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FILE COPY

[redacted]

Nos. 476-477

In the Supreme Court of the United States

October Term, 1939

No. [redacted]

UNITED STATES OF AMERICA, PLAINTIFF-APPELLANT,

v.

NORTHERN PACIFIC RAILWAY COMPANY, ET AL.,
DEFENDANTS-APPELLEES.

No. [redacted]

NORTHERN PACIFIC RAILWAY COMPANY, ET AL.,
CROSS-APPELLANTS,

v.

UNITED STATES OF AMERICA, CROSS-APPELLEE.

APPEALS FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF WISCONSIN.

APPENDIX.

THE SOLICITOR GENERAL
DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

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The map facing this page is an adaptation of N. P. Exhibit 131. It shows the approximate line of the railroad as constructed, and also the primary or place limits, first indemnity limits, second indemnity limits, and mineral indemnity limits. The probable route of the unconstructed sector of the main line between Wallula, Washington, "via the valley of the Columbia River" and Portland, Oregon, is not indicated on the map. The map shows second indemnity limits opposite the road between Portland, Oregon, and Tacoma, Washington. The United States contends that these limits were not authorized and were erroneously protracted.

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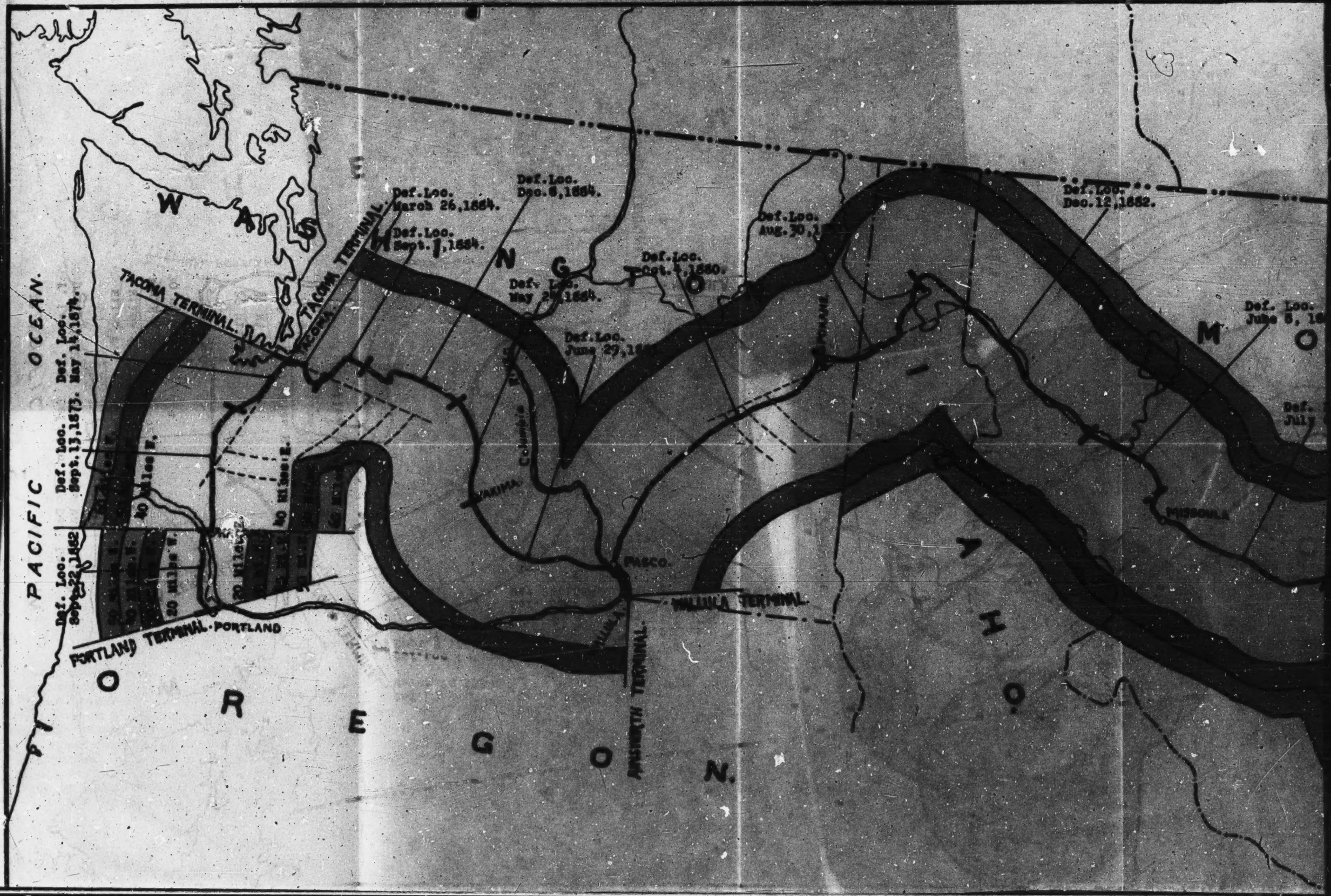

OCEAN.
PACIFIC
W A S H
O R E G O N
N. I D A H O
Def. Loc. May 14,1874.
Def. Loc. Sept. 13,1873.
Def. Loc. Sept. 22,1862
TACOMA TERMINAL.
TACOMA TERMINAL.
TACOMA TERMINAL.
PORTLAND TERMINAL. PORTLAND
20 Miles E.
20 Miles E.
20 Miles E.
20 Miles E.
20 Miles E.
Def. Loc. March 26,1884.
Def. Loc. Sept. 1,1884.
Def. Loc. Dec. 6,1884.
Def. Loc. May 2?,1884.
Def. Loc. June 29,18?
Def. Loc. Oct. 4,1880.
Def. Loc. Aug. 30,1?
Def. Loc. Dec. 12,1882.
Def. Loc. June 5, 18
Def. July
Columbia
YAKIMA
PISCO.
WALLULA TERMINAL.
WALLULA TERMINAL.
MISSOULA

INTERNATIONAL BOUNDARY

Loc.
6, 1863.

O N T A N A.

N O R T H

Missouri River

Def. Loc.
July 6, 1862

Def. Loc.
July 6, 1862.

Def. Loc.
June 25,1864

Def. Loc.
June 25,1864

Def. Loc.
June 27,1851

Def. Loc.
Oct 25,1850

Def. Loc.
July 20,1860

HELENA

LIVINGSTON

BILLINGS

GLENDIVE

40 Miles E.

YELLOWSTONE

NORTHERN PACIFIC EXHIBIT NO. 131

H D A K O T A.

Def. Loc.
May 26, 1873.

Def. Loc.
Nov. 20, 1871.

Def. Loc.
July 6, 1882.

LAKE SUPERIOR.

BISMARCK.

Red

FARGO

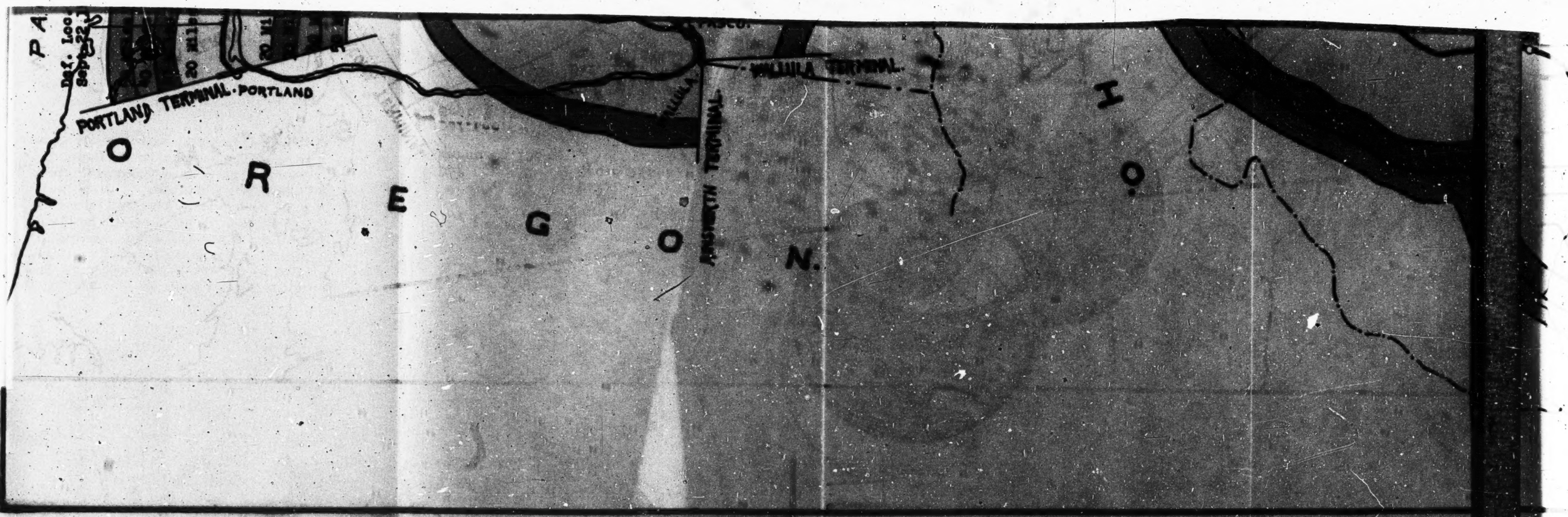
20 miles E.

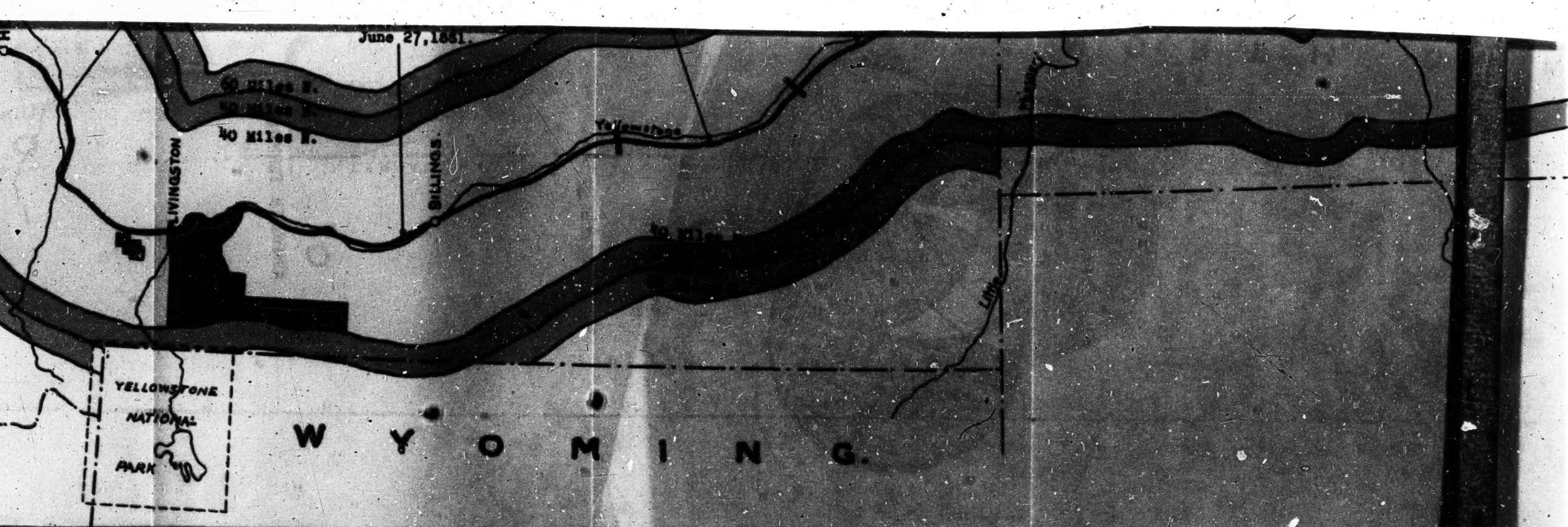
ASHLAND.

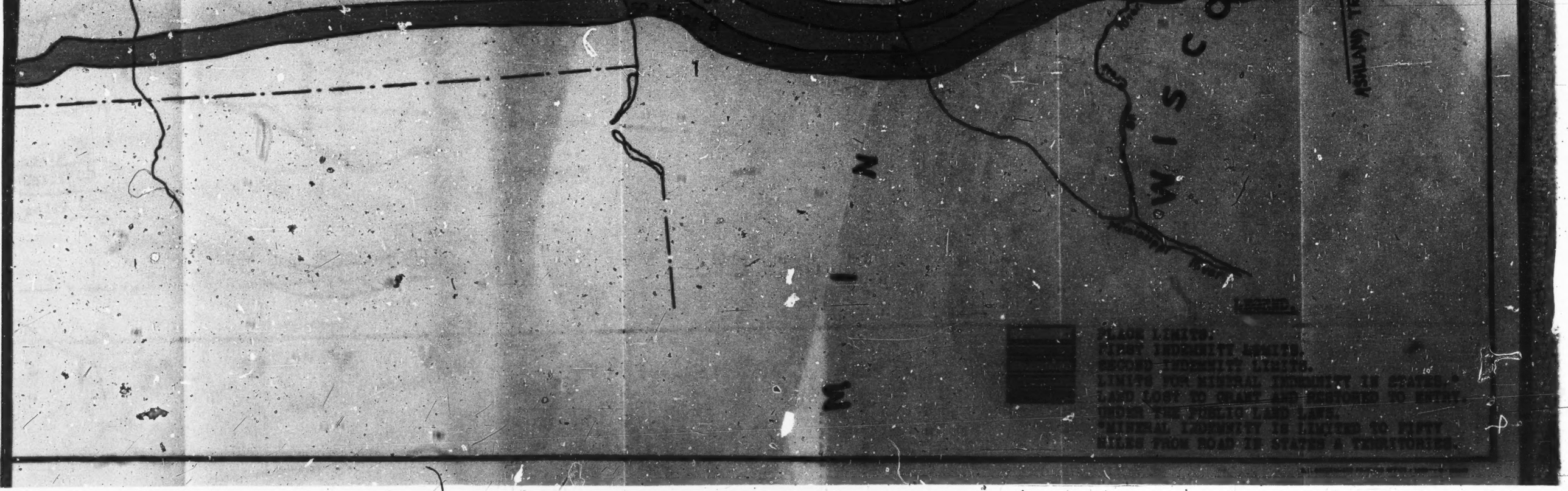
ASHLAND TERMINAL

WISCO

N


PORTLAND TERMINAL · PORTLAND
O R E G O N.
I O


June 27,1881.
50 Miles E.
40 Miles E.
LIVINGSTON
BILLINGS
Yellowstone
Little
YELLOWSTONE
NATIONAL
PARK
W Y O M I N G.


LEGEND.
PLAIN LIMITS.
FIRST INDEMNITY LIMITS.
SECOND INDEMNITY LIMITS.
LIMITS FOR MINERAL INDEMNITY IN STATES.
LAND LOST TO GRANT AND RESTORED TO ENTRY UNDER THE PUBLIC LAND LAWS.
*MINERAL INDEMNITY IS LIMITED TO FIFTY MILES FROM ROAD IN STATES & TERRITORIES.

The map facing this page shows the approximate route of the Northern Pacific Railroad, as constructed in the State of Washington between Lind and Ellensburg, via Pasco. It also shows the more direct route between Lind and Ellensburg which was available to the Northern Pacific Railroad Company at the time of the construction of its railroad in Washington but which was subsequently taken by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

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WASHINGTON

Ellenburg

COLUMBIA

Beverly

Crab Creek

C. M. & St. Paul R. R.

Othello

NORTHERN

Connell

North Yakima

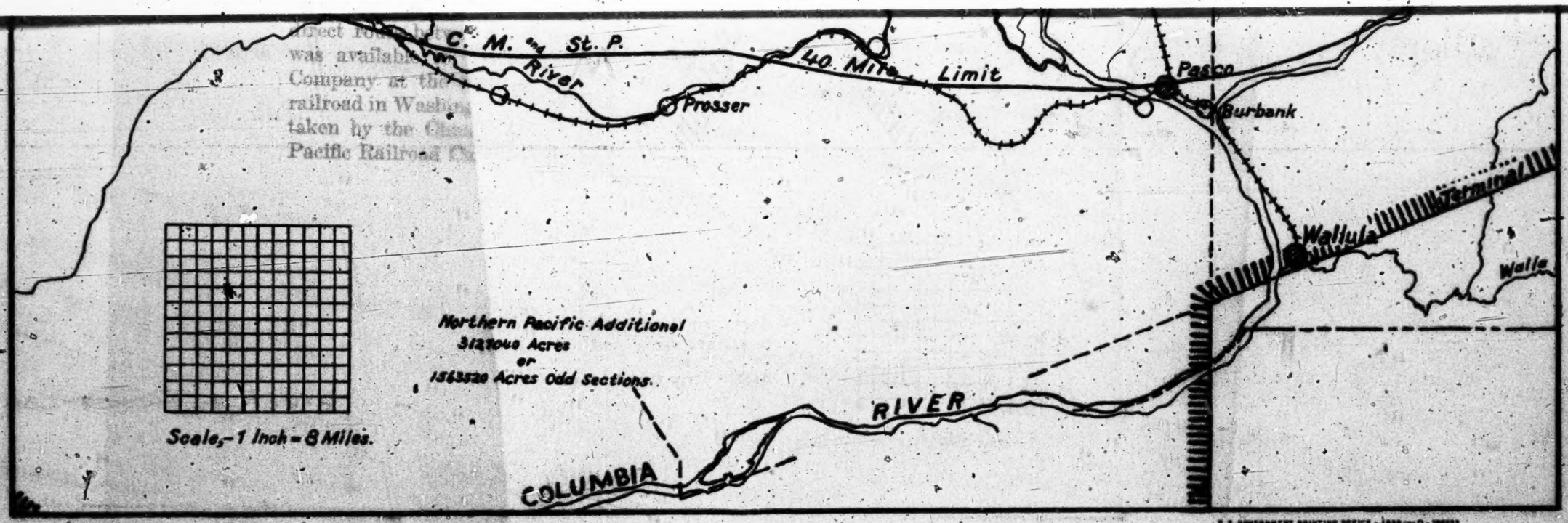
Yakima

RIVER

C. M. & St. P.

40 Mile Grade

Pasco



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U. S. GOVERNMENT PRINTING OFFICE : 1939 — O - 190833

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Treaty of Fort Laramie, September 17, 1851, IV Kappler, Indian Affairs, Laws and Treaties, p. 1065

Articles of a treaty made and concluded at Fort Laramie, in the Indian Territory, between D. D. Mitchell, superintendent of Indian Affairs, and Thomas Fitzpatrick, Indian agent, commissioners specially appointed and authorized by the President of the United States, of the first part, and the chiefs, headmen, and braves of the following Indian nations, residing south of the Missouri River, east of the Rocky Mountains, and north of the lines of Texas and New Mexico, viz, the Sioux or Dahcotahs, Cheyennes, Arrapahoes, Crows, Assinaboines, Gros Ventre, Mandans, and Arrickaras, parties of the second part, on the seventeenth day of September, A. D. one thousand eight hundred and fifty-one.

ARTICLE 1. The aforesaid nations, parties to this treaty, having assembled for the purpose of establishing and confirming peaceful relations amongst themselves, do hereby covenant and agree to abstain in future from all hostilities whatever against each other, to maintain good faith and friendship in all their mutual intercourse, and to make an effective and lasting peace.

ART. 2. The aforesaid nations do hereby recognize the right of the United States Government to establish roads, military and other posts, within their respective territories.

ART. 3. In consideration of the rights and privileges acknowledged in the preceding article, the United States bind themselves to protect the afore-

said Indian nations against the commission of a depredations by the people of the said Unite States, after the ratification of this treaty.

ART. 4. The aforesaid Indian nations do hereb agree and bind themselves to make restitution o satisfaction for any wrongs committed, after th ratification of this treaty, by any band or indivi ual of their people, on the people of the Unite States, whilst lawfully residing in or passin through their respective territories.

ART. 5. The aforesaid Indian nations do hereb recognize and acknowledge the following tracts o country, included within the metes and boundarie hereinafter designated, as their respective terri tories, viz:

* * * * *

It is, however, understood that in making thi recognition and acknowledgement the aforesaid In dian nations do not hereby abandon or prejudic any rights or claims they may have to other lands and further, that they do not surrender the privi lege of hunting, fishing, or passing over any of th tracts of country heretofore described.

ART. 6. The parties to (of) the second part o this treaty having selected principals or head chief for their respective nations, through whom all na tional business will hereafter be conducted, do here by bind themselves to sustain said chiefs and thei successors during good behavior.

ART. 7. In consideration of the treaty stipula tions, and for the damages which have or may occu by reason thereof to the Indian nations, partie hereto, and for their maintenance and the improve ment of their moral and social customs, the United

States bind themselves to deliver to the said Indian nations the sum of $50,000 per annum for the term of 10 years, with the right to continue the same at the discretion of the President of the United States for a period not exceeding five years thereafter, in provisions, merchandise, domestic animals, and agricultural implements, in such proportions as may be deemed best adapted to their condition by the President of the United States, to be distributed in proportion to the population of the aforesaid Indian nations.

ART. 8. It is understood and agreed that should any of the Indian nations parties to this treaty violate any of the provisions thereof, the United States may withhold the whole or a portion of the annuities mentioned in the preceding article from the nation so offending, until, in the opinion of the President of the United States, proper satisfaction shall have been made.

In testimony whereof the said D. D. Mitchell and Thomas Fitzpatrick, commissioners as aforesaid, and the chiefs, headmen, and braves, parties hereto, have set their hands and affixed their marks on the day and at the place first above written.

D. D. MITCHELL,
THOMAS FITZPATRICK,
Commissioners.

Sioux: Mah-toe-wha-you-whey (his x mark); Mah-kah-toe-zah-zah (his x mark); Belo-ton-kah-tan-ga (his x mark); Nah-ta-pah-gi-gi (his x mark); Mak-toe-sah-bi-chis (his x mark); Meh-wha-tah-ni-hans-kah (his x mark).

Cheyennes: Wah-ha-nis-satta (his x mark); Voist-ti-toe-vetz (his x mark); Nahk-ko-mé-ien (his x mark); Koh-kah-y-wh-cum-est (his x mark).

Arrapahoes: Be-ah-te-a-qui-sah (his x mark); Neb-ni-bah-seh-it (his x mark); Beh-kah-jay-beth-sah-es (his x mark).

Crows: Arra-tu-ri-sash (his x mark); Doh-chepit-seh-chi-es (his x mark).

Assinaboines: Mah-toe-wit-ko (his x mark); Toe-tah-ki-eh-nan (his x mark).

Mandans and Gros Ventres: Nochk-pit-shi-toe-pish (his x mark); She-oh-mant-ho (his x mark).

Arickarees: Koun-hei-ti-shan (his x mark); Bi-atch-tah-wetch (his x mark).

In the presence of:

A. B. Chambers, Secretary; S. Cooper, colonel, U. S. Army; R. H. Chilton, captain, First Drags; Thomas Duncan, captain, Mounted Riflemen; Thos. G. Rhett, brevet captain R. M. R.; W. L. Elliott, first lieutenant R. M. R.; C. Campbell, interpreter for Sioux; John S. Smith, interpreter for Cheyennes; Robert Meldrum, interpreter for the Crows; H. Culbertson, interpreter for Assiniboines and Gros Ventres; Francois L'Etalie, interpreter for Arickarees; John Pizelle, interpreter for the Arrapahoes; B. Gratz Brown; Robert Campbell; Edmond F. Chouteau.

Treaty with the Blackfoot Indians, October 17, 1855, 11 Stat. 657

FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA

To All Persons to Whom These Presents Shall Come, Greeting:

Whereas, a treaty was made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, on the seventeenth day of October, in the year one thousand eight hundred and fifty-five, between A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the Blackfoot and other tribes of Indians, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, this seventeenth day of October, in the year one thousand eight hundred and fifty-five, by and between A. Cumming and Isaac I. Stevens, commissioners duly appointed and authorized, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the following nations and tribes of Indians, who occupy, for the purposes of hunting, the territory on the Upper Missouri and Yellow Stone Rivers, and who have permanent homes as

follows: East of the Rocky Mountains, the Blackfoot nation; consisting of the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians. West of the Rocky Mountains, the Flathead nation; consisting of the Flathead, Upper Pend d'Oreille, and Kootenay tribes of Indians, and the Nez Percé tribe of Indians, the said chiefs, headmen and delegates, in behalf of and acting for said nations and tribes, and being duly authorized thereto by them.

ARTICLE 1. Peace, friendship, and amity shall hereafter exist between the United States and the aforesaid nations and tribes of Indians, parties to this treaty, and the same shall be perpetual.

ARTICLE 2. The aforesaid nations and tribes of Indians, parties to this treaty, do hereby jointly and severally covenant that peaceful relations shall likewise be maintained among themselves in future; and that they will abstain from all hostilities whatsoever against each other, and cultivate mutual good will and friendship. And the nations and tribes aforesaid do furthermore jointly and severally covenant, that peaceful relations shall be maintained with and that they will abstain from all hostilities whatsoever, excepting in self-defence, against the following-named nations and tribes of Indians, to wit: the Crows, Assineboins, Crees, Snakes, Blackfeet, Sans Arce, and Aunce-pa-pas bands of Sioux, and all other neighboring nations and tribes of Indians.

ARTICLE 3. The Blackfoot nation consent and agree that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within lines drawn from the Hell Gate or Medicine Rock Passes in the main

range of the Rocky Mountains, in an easterly direction to the nearest source of the Muscle Shell River, thence to the mouth of Twenty-five Yard Creek, thence up the Yellow Stone River to its northern source, and thence along the main range of the Rocky Mountains, in a northerly direction, to the point of beginning, shall be a common hunting ground for ninety-nine years, where all the nations, tribes, and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing, and gathering fruit, grazing animals, curing meat, and dressing robes. They further agree that they will not establish villages, or in any other way exercise exclusive rights within ten miles of the northern line of the common hunting ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof.

Provided, That the western Indians, parties to this treaty, may hunt on the trail leading down the Muscle Shell to the Yellow Stone; the Muscle Shell River being the boundary separating the Blackfoot from the Crow Territory.

And provided, That no nation, band, or tribe of Indians, parties to this treaty, nor any other Indians, shall be permitted to establish permanent settlements, or in any other way exercise, during the period above mentioned, exclusive rights or privileges within the limits of the above-described hunting ground.

And provided further, That the rights of the western Indians to a whole or a part of the common hunting ground, derived from occupancy and possession, shall not be affected by this article, except

so far as said rights may be determined by the treaty of Laramie.

ARTICLE 4. The parties to this treaty agree and consent, that the tract of country lying within lines drawn from the Hell Gate or Medicine Rock Passes, in an easterly direction, to the nearest source of the Muscle Shell River, thence down said river to its mouth, thence down the channel of the Missouri River to the mouth of Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning, shall be the territory of the Blackfoot nation, over which said nation shall exercise exclusive control, excepting as may be otherwise provided in this treaty. Subject, however, to the provisions of the third article of this treaty, giving the right to hunt, and prohibiting the establishment of permanent villages and the exercise of any exclusive rights within ten miles of the northern line of the common hunting ground, drawn from the nearest source of the Muscle Shell River to the Medicine Rock Passes, for the period of ninety-nine years.

Provided also, That the Assiniboins shall have the right of hunting, in common with the Blackfeet, in the country lying between the aforesaid eastern boundary line, running from the mouth of Milk River to the forty-ninth parallel, and a line drawn from the left bank of the Missouri River, opposite the Round Butte north, to the forty-ninth parallel.

ARTICLE 5. The parties to this treaty, residing west of the main range of the Rocky Mountains, agree and consent that they will not enter the com-

mon hunting ground, nor any part of the Blackfoot Territory, or return home, by any pass in the main range of the Rocky Mountains to the north of the Hell Gate or Medicine Rock Passes. And they further agree that they will not hunt or otherwise disturb the game, when visiting the Blackfoot Territory for trade or social intercourse.

ARTICLE 6. The aforesaid nations and tribes of Indians, parties to this treaty, agree and consent to remain within their own respective countries, except when going to or from, or whilst hunting upon, the "common hunting ground," or when visiting each other for the purpose of trade or social intercourse.

ARTICLE 7. The aforesaid nations and tribes of Indians agree that citizens of the United States may live in and pass unmolested through the countries respectively occupied and claimed by them. And the United States is hereby bound to protect said Indians against depredations and other unlawful acts which white men residing in or passing through their country may commit.

ARTICLE 8. For the purpose of establishing travelling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree, that the United States may, within the countries respectively occupied and claimed by them, construct roads of every description; establish lines of telegraph and military posts; use materials of every description found in the Indian country; build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they

may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States.

ARTICLE 9. In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance, the United States agree to expend, annually, for the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians, constituting the Blackfoot nation, in addition to the goods and provisions distributed at the time of signing this treaty, twenty thousand dollars, annually, for ten years, to be expended in such useful goods and provisions, and other articles, as the President, at his discretion, may from time to time determine; and the superintendent, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto: *Provided, however,* That if, in the judgment of the President and Senate, this amount be deemed insufficient, it may be increased not to exceed the sum of thirty-five thousand dollars per year.

ARTICLE 10. The United States further agree to expend annually, for the benefit of the aforesaid tribes of the Blackfoot nation, a sum not exceeding fifteen thousand dollars annually, for ten years, in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and in any other respect promoting their civilization and christianization: *Provided, however,* That to accomplish the objects of this article, the President may, at his discretion, apply any or

all the annuities provided for in this treaty: *And provided, also,* That the President may, at his discretion, determine in what proportions the said annuities shall be divided among the several tribes.

ARTICLE 11. The aforesaid tribes acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and to commit no depredations or other violence upon such citizens. And should any one or more violate this pledge, and the fact be proved to the satisfaction of the President, the property taken shall be returned, or, in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. The aforesaid tribes are hereby bound to deliver such offenders to the proper authorities for trial and punishment, and are held responsible in their tribal capacity, to make reparation for depredations so committed.

Nor will they make war upon any other tribes, except in self-defence, but will submit all matters of difference between themselves and other Indians to the government of the United States, through its agent, for adjustment, and will abide thereby. And if any of the said Indians, parties to this treaty, commit depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE 12. It is agreed and understood, by and between the parties to this treaty, that if any nation

or tribe of Indians aforesaid, shall violate any of the agreements, obligations, or stipulations, herein contained, the United States may withhold for such length of time as the President and Congress may determine, any portion or all of the annuities agreed to be paid to said nation or tribe under the ninth and tenth articles of this treaty.

ARTICLE 13. The nations and tribes of Indians, parties to this treaty, desire to exclude from their country the use of ardent spirits or other intoxicating liquor, and to prevent their people from drinking the same. Therefore it is provided, that any Indian belonging to said tribes who is guilty of bringing such liquor into the Indian country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her, for such time as the President may determine.

ARTICLE 14. The aforesaid nations and tribes of Indians, west of the Rocky Mountains, parties to this treaty, do agree, in consideration of the provisions already made for them in existing treaties, to accept the guarantees of the peaceful occupation of their hunting grounds, east of the Rocky Mountains, and of remuneration for depredations made by the other tribes, pledged to be secured to them in this treaty out of the annuities of said tribes, in full compensation for the concessions which they, in common with the said tribes, have made in this treaty.

The Indians east of the Mountains, parties to this treaty, likewise recognize and accept the guarantees of this treaty, in full compensation for the injuries or depredations which have been, or may

be, committed by the aforesaid tribes, west of the Rocky Mountains.

ARTICLE 15. The annuities of the aforesaid tribes shall not be taken to pay the debts of individuals.

ARTICLE 16. This treaty shall be obligatory upon the aforesaid nations and tribes of Indians, parties hereto, from the date hereof, and upon the United States as soon as the same shall be ratified by the President and Senate.

In testimony whereof the said A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the undersigned chiefs, headmen, and delegates of the aforesaid nations and tribes of Indians, parties to this treaty, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

A. CUMMING. [L. S.]
ISAAC I. STEVENS. [L. S.]

PIEGANS

NEE-TI-NEE, or "the only chief," now called the Lame Bull,	his x mark.	[L. S.]
MOUNTAIN CHIEF,	his x mark.	[L. S.]
LOW HORN,	his x mark.	[L. S.]
LITTLE GRAY HEAD,	his x mark.	[L. S.]
LITTLE DOG,	his x mark.	[L. S.]
BIG SNAKE,	his x mark.	[L. S.]
THE SKUNK,	his x mark.	[L. S.]
THE BAD HEAD,	his x mark.	[L. S.]
KITCH-EEPONE-ISTAH,	his x mark.	[L. S.]
MIDDLE SITTER,	his x mark.	[L. S.]

Bloods

Onis-tay-say-nah-que-im,	his x mark.	[L. S.]
The Father of All Children,	his x mark.	[L. S.]
The Bull's Back Fat,	his x mark.	[L. S.]
Heavy Shield,	his x mark.	[L. S.]
Nah-tose-onistah,	his x mark.	[L. S.]
The Calf Shirt,	his x mark.	[L. S.]

Gros Ventres

Bear's Shirt,	his x mark.	[L. S.]
Little Soldier,	his x mark.	[L. S.]
Star Robe,	his x mark.	[L. S.]
Sitting Squaw,	his x mark.	[L. S.]
Weasel Horse,	his x mark.	[L. S.]
The Rider,	his x mark.	[L. S.]
Eagle Chief,	his x mark.	[L. S.]
Heap of Bears,	his x mark.	[L. S.]

Blackfeet

The Three Bulls,	his x mark.	[L. S.]
The Old Kootomais,	his x mark.	[L. S.]
Pow-ah-que,	his x mark.	[L. S.]
Chief Rabbit Runner,	his x mark.	[L. S.]

Nez Percés

Spotted Eagle,	his x mark.	[L. S.]
Looking Glass,	his x mark.	[L. S.]
The Three Feathers,	his x mark.	[L. S.]

Eagle From the Light,	his x mark,	[L. S.]
The Lone Bird,	his x mark.	[L. S.]
Ip-shun-nee-wus,	his x mark.	[L. S.]
Jason,	his x mark.	[L. S.]
Wat-ti-wat-ti-we-hinck,	his x mark.	[L. S.]
White Bird,	his x mark.	[L. S.]
Stabbing Man,	his x mark.	[L. S.]
Jesse,	his x mark.	[L. S.]
Plenty Bears,	his x mark.	[L. S.]

Flathead Nation

Victor,	his x mark.	[L. S.]
Alexander,	his x mark.	[L. S.]
Moses,	his x mark.	[L. S.]
Big Canoe,	his x mark.	[L. S.]
Ambrose,	his x mark.	[L. S.]
Kootle-cha,	his x mark.	[L. S.]
Michelle,	his x mark.	[L. S.]
Francis,	his x mark.	[L. S.]
Vincent,	his x mark.	[L. S.]
Andrew,	his x mark.	[L. S.]
Adolphe,	his x mark.	[L. S.]
Thunder,	his x mark.	[L. S.]

Piegans

Running Rabbit,	his x mark.	[L. S.]
Chief Bear,	his x mark.	[L. S.]
The Little White Buffalo,	his x mark.	[L. S.]
The Big Straw,	his x mark.	[L. S.]

FLATHEAD

BEAR TRACK, his x mark. [L. S.]
LITTLE MICHELLE, his x mark. [L. S.]
PALCHINAH, his x mark. [L. S.]

BLOODS

THE FEATHER, his x mark. [L. S.]
THE WHITE EAGLE, his x mark. [L. S.]

Executed in presence of—

James Doty, Secretary.
Alfred J. Vaughan, Jr.
E. Alw. Hatch, Agent for Blackfeet.
Thomas Adams, Special Agent Flathead Nation.
R. H. Lansdale, Indian Agent Flathead Nation.
W. H. Tappan, Sub-Agent for the Nez Percés.
James Bird
A. Culbertson } Blackfoot Interpreters.
Benj. Deroche
Benj. Kiser, his x mark
Witness, James Doty } Flat Head Interpreters.
Gustavus Sohon
W. Craig
Delaware Jim, his x mark } Nez Percé Interpreters.
Witness, James Doty
A Cree Chief (Broken Arm), his mark, Witness, James Doty.
A. J. Hoeekeorsg.
James Croke.
E. S. Wilson.

A. C. Jackson.
Charles Shucette, his x mark.
Christ. P. Higgins.
A. H. Robie.
S. S. Ford, Jr.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifteenth day of April, eighteen hundred and fifty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 15, 1856.

Resolved (two thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded between the United States and the Blackfeet and other tribes of Indians, at the council ground on the Upper Missouri River, October seventeenth, eighteen hundred and fifty-five.

Attest:

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of April, one thousand eight hundred and fifty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fifth day of April, A. D. one thousand eight [L. S.] hundred and fifty-six, and of the independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

Treaty with the Crow Indians, May 7, 1868, 15 Stat. 649

Treaty between the United States of America and the Crow Tribe of Indians; Concluded May 7, 1868; Ratification advised July 25, 1868; Proclaimed August 12, 1868

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To All and Singular to Whom These Presents Shall Come, Greeting:

Whereas a Treaty was made and concluded at Fort Laramie, in the Territory of Dakota, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant-General W. T. Sherman, Brevet Major-General William S. Harney, Brevet Major-General Alfred H. Terry, Brevet Major-General C. C. Augur, John B. Sanborn, and S. F. Tappan, commissioners, on the part of the United States, and Che-Ra-Pee-Ish-Ka-Te, Chat-Sta-He, and other chiefs and headmen of the Crow tribe of Indians, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Laramie, Dakota Territory, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and headmen of and representing the Crow Indians, they being duly authorized to act in the premises.

ARTICLE I. From this day forward peace between the parties to this treaty shall forever continue. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it. If bad men among the whites or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of anyone, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they refuse wilfully so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while vio-

lating, or because of his violating, the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

ARTICLE II. The United States agrees that the following district of country, to wit: commencing where the 107th degree of longitude west of Greenwich crosses the south boundary of Montana Territory; thence north along said 107th meridian to the mid-channel of the Yellowstone river; thence up said mid-channel of the Yellowstone to the point where it crosses the said southern boundary of Montana, being the 45th degree of north latitude; and thence east along said parallel of latitude to the place of beginning, shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and henceforth they will, and do hereby, relinquish all title, claims, or rights in and to any portion of the territory of the United States, except such as is embraced within the limits aforesaid.

ARTICLE III. The United States agrees, at its own proper expense, to construct on the south side of the Yellowstone, near Otter creek, a warehouse or storeroom for the use of the agent in storing

goods belonging to the Indians, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a schoolhouse or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding twenty-five hundred dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached, the same to cost not exceeding eight thousand dollars.

ARTICLE IV. The Indians herein named agree, when the agency house and other buildings shall be constructed on the reservation named, they will make said reservation their permanent home, and they will make no permanent settlement elsewhere, but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and as long as peace subsists among the whites and Indians on the borders of the hunting districts.

ARTICLE V. The United States agrees that the agent for said Indians shall in the future make his home at the agency building; that he shall reside among them and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint, by and against the In-

dians, as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

ARTICLE VI. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "Land Book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent,

after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Crow Land Book."

The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property as between Indians, and on all subjects connected with the government of the Indians on said reservations and the internal police thereof, as may be thought proper.

ARTICLE VII. In order to insure the civilization of the tribe entering into this treaty, the necessity of education is admitted, especially by such of them as are, or may be, settled on said agricultural reservation; and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children, between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

ARTICLE VIII. When the head of a family or lodge shall have selected lands and received his

certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

And it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required.

ARTICLE IX. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house, on the reservation herein provided for, on the first day of September of each year for thirty years, the following articles, to wit:

For each male person, over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woolen socks.

For each female, over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to

make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent, each year, to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And, in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming, and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper. And if, at any time within the ten years, it shall appear that the amount of money needed for clothing, under this article, can be appropriated to better uses for the tribe herein named, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery; and it is expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation, and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have set-

tled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated, that the United States will furnish and deliver to each lodge of Indians, or family of persons legally incorporated with them, who shall remove to the reservation herein described, and commence farming, one good American cow and one good, well-broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

ARTICLE X. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ARTICLE XI. No treaty for the cession of any portion of the reservation herein described, which may be held in common, shall be of any force or validity as against the said Indians unless executed and signed by, at least, a majority of all the adult male Indians occupying or interested in the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him as provided in Article VI of this treaty.

ARTICLE XII. It is agreed that the sum of five hundred dollars annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said

tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

W. T. SHERMAN, *Lt. Genl.*
WM. S. HARNEY,
Bvt. Majr. Gen. & Peace Commissioner.
ALFRED H. TERRY, *Bvt. M. Genl.*
C. C. AUGUR, *Bvt. M. Genl.*
JOHN B. SANBORN.
S. F. TAPPAN.

ASHTON S. H. WHITE, *Secretary.*

CHE-RA-PEE-ISH-KA-TE, Pretty Bull, his x mark. [SEAL.]
CHAT-STA-HE, Wolf Bow, his x mark. [SEAL.]
AH-BE-CHE-SE, Mountain Tail, his x mark. [SEAL.]
KAM-NE-BUT-SA, Black Foot, his x mark. [SEAL.]
DE-SAL-ZE-CHO-SE, White Horse, his x mark. [SEAL.]
CHIN-KA-SHE-ARACHE, Poor Elk, his x mark. [SEAL.]
E-SA-WOOR, Shot in the Jaw, his x mark. [SEAL.]
E-SHA-CHOSE, White Forehead, his x mark. [SEAL.]
——— ROO-KA, Pounded Meat, his x mark. [SEAL.]
DE-KA-KE-UP-SE, Bird in the Neck, his x mark. [SEAL.]
ME-NA-CHE, The Swan his x mark. [SEAL.]

Attest:

GEORGE B. WILLIS, *Phonographer.*
JOHN D. HOWLAND.
ALEX. GARDNER.
DAVID KNOX.
CHAS. FREEMAN,
JAS. C. O'CONNOR,

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 25, 1868.

Resolved (two-thirds of the senators present concurring), That the Senate advise and consent to the ratification of the treaty between the United States and the Crow Indians of Montana Territory, made the seventh day of May, eighteen hundred and sixty-eight.

Attest:

GEO. C. GORHAM,
Secretary.
By W. J. MCDONALD,
Chief Clerk.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and con-

sent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the City of Washington, this twelfth day of August, in the year of our Lord [SEAL] one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:
W. HUNTER,
Acting Secretary of State.

Act of July 2, 1864, C. CCXVII, 13 Stat. 365

An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from Lake Superior to Puget's Sound, on the Pacific Coast, by the Northern Route

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard D. Rice, John A. Poore, Samuel P. Strickland, Samuel C. Fessenden, Charles P. Kimball, Augustine Haines, Edwin R. W. Wiggin, Anson P. Morrill, Samuel J. Anderson, of Maine; Willard Sears, I. S. Withington, Josiah Perham, James M. Becket, A. W. Banfield, Abiel Abbott, John Newell, Austin L. Rogers, Nathaniel Greene, jnr., Oliver Frost, John A. Bass, John O. Bresbrey, George Shiverick, Edward Tyler, Filander J. Forristall, Ivory H. Pope, of Massachusetts; George Opdyke, Fairley Holmes, John Huggins, Philander Reed, George Briggs, Chauncy Vibbard, John C. Fremont, of New York; Ephraim Marsh, John P. Jackson, jr., of New Jersey; S. M. Felton, John Toy, O. J. Dickey, B. F. Archer, G. W. Cass, J. Edgar Thompson, John A. Green, of Pennsylvania; T. M. Allyn, Moses W. Wilson, Horace Whittaker, Ira Bliss, of Connecticut; Joseph A. Gilmore, Onslow Stearns, E. P. Emerson, Frederick Smyth, William E. Chandler, of New Hampshire; Cyrus Aldrich, H. M. Rice, John McKusick, H. C. Waite, Stephen Miller, of Minnesota; E. A. Chapin, John Gregory Smith, George Merrill, of Vermont; James Y. Smith, William S. Slater, Isaac H. Southwick, Earl P. Mason, of

Rhode Island; Seth Fuller, William Kellogg, U. S. Grant, William B. Ogden, William G. Greene, Leonard Sweat, Henry W. Blodgett, Porter Sheldon, of Illinois; J. M. Winchell, Elsworth Cheesebrough, James S. Emery, of Kansas; Richard F. Perkins, Richard Chenery, Samuel Brannan, George Rowland, Henry Platt, of California; William F. Mercer, James W. Brownley, of Virginia; John H. B. Latrobe, W. Prescott Smith, of Maryland; Greenbury Slack, A. J. Boreman, of West Virginia; Thomas E. Bramlette, Frank Shorin, of Kentucky; John Brough, John A. Bingham, Oran Follett, John Gardner, S. S. L'Hommedieu, Harrison G. Blake, Philo Chamberlin, of Ohio; John A. Duncan, Samuel M. Harrington, of Delaware; Thomas A. Morris, Jesse L. Williams, of Indiana; Samuel L. Case, Henry L. Hall, David H. Jerome, Thomas D. Gilbert, C. A. Trowbridge, of Michigan; Edward H. Broadhead, Alexander Mitchell, Benjamin Ferguson, Levi Sterling, ——— Marshal, of Wisconsin; J. C. Ainsworth, Orlando Humason, H. W. Corbett, Henry Failling, of Oregon; J. B. S. Todd, M. K. Armstrong, J. Shaw Gregory, J. Le Berge, of Dakota Territory; John Mullan, Anson G. Henry, S. D. Smith, Charles Terry, of Washington Territory; H. W. Starr, Platt Smith, Nixon Denton, William Leighton, B. F. Allen, Reuben Noble, John L. Davies, of Iowa; Willard P. Hall, George R. Smith, H. Gayle King, John C. Sargeant, of Missouri; William H. Wallace, of Idaho Territory; J. H. Lathrop, Henry D. Cooke, H. E. Merrick, of the District of Columbia, and all such other persons who shall or may be associated with them, and their successors, are hereby created and erected into a

body corporate and politic, in deed and in law, by the name, style, and title of the "Northern Pacific Railroad Company," and by that name shall have perpetual succession, and shall be able to sue and to be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely, beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin; thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude to some point on Puget's Sound, with a branch, via the valley of the Columbia River, to a point at or near Portland, in the State of Oregon, leaving the main trunk-line at the most suitable place, not more than three hundred miles from its western terminus; and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth. The capital stock of said company shall consist of one million shares of one hundred dollars each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons hereinbefore named are hereby appointed commissioners, and shall be called the board of commissioners of the "Northern Pacific Railroad Company," and fifteen shall constitu[t]e a quorum for the transaction of business. The first meeting of said board of com-

missioners shall be held at the Melodion hall, in the city of Boston, at such time as any five commissioners herein named from Massachusetts shall appoint, not more than three months after the passage of this act, notice of which shall be given by them to the other commissioners by publishing said notice in at least one daily newspaper in the cities of Boston, New York, Philadelphia, Cincinnati, Milwaukee, and Chicago, once a week at least four weeks previous to the day of meeting. Said board shall organize by the choice from its number of a president, vice-president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may from time to time increase the amount thereof as they may deem proper. The secretary shall be sworn to the faithful performance of his duties, and such oath shall be entered upon the records of the company, signed by him, and the oath verified thereon. The president and secretary of said board shall in like manner call all other meetings, naming the time and place thereof. It shall be the duty of said board of commissioners to open books, or cause books to be opened, at such times, and in such principal cities or other places in the United States, as they, or a quorum of them, shall determine, within six months after the passage of this act, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on all subscriptions, and to receipt therefor. So soon as twenty thousand shares shall in good faith be subscribed for, and ten dollars per share actually paid into the treasury of the company, the said president and secretary of said board of commissioners shall appoint a time and place for the first

meeting of the subscribers to the stock of said company, and shall give notice thereof in at least one newspaper in each state in which subscription books have been opened, at least fifteen days previous to *to* the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot thirteen directors for said corporation; and in such election each share of said capital stock shall entitle the owner thereof to one vote. The president and secretary of the board of commissioners, and, in case of their absence or inability, any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary, shall then deliver over to said directors all the properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners, and the officers previously appointed by them, shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate. Annual meetings of the stockholders of the said corporation for the choice of officers (when they are to be chosen) and for the transaction of business shall be holden at such time and place and upon such notice as may be prescribed in the by-laws.

SEC. 2. *And be it further enacted,* That the right of way through the public lands be, and the same is hereby, granted to said "Northern Pacific Railroad Company," its successors and assigns, for the construction of a railroad and telegraph as proposed; and the right, power, and authority is hereby given to said corporation to take from the

public lands, adjacent to the line of said road, material of earth, stone, timber, and so forth, for the construction thereof. Said way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, workshops, depots, machine shops, switches, side tracks, turn-tables, and water-stations; and the right of way shall be exempt from taxation within the territories of the United States. The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this act, and acquired in the donation to the [road] named in this bill.

SEC. 3. *And be it further enacted,* That there be, and hereby is, granted to the "Northern Pacific Railroad Company," its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any state; and whenever on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from preemption, or other claims or rights, at the time the line of said road is defi-

fixed, and a plat thereof filed in the office
commissioner of the general land office; and
ever, prior to said time, any of said sections
rts of sections shall have been granted, sold,
ved, occupied by homestead settlers, or pre-
d, or otherwise disposed of, other lands shall
ected by said company in lieu thereof, under
irection of the Secretary of the Interior, in
ate sections, and designated by odd numbers,
ore than ten miles beyond the limits of said
ate sections: *Provided,* That if said route
be found upon the line of any other railroad
to aid in the construction of which lands have
heretofore granted by the United States, as
the routes are upon the same general line, the
nt of land heretofore granted shall be de-
l from the amount granted by this act: *Pro-
further,* That the railroad company receiving
revious grant of land may assign their inter-
said "Northern Pacific Railroad Company",
y consolidate, confederate, and associate with
ompany upon the terms named in the first sec-
f this act: *Provided further,* That all min-
ands be, and the same are hereby, excluded
the operations of this act, and in lieu thereof
quantity of unoccupied and unappropriated
ltural lands, in odd numbered sections, near-
the line of said road, and within fifty miles
f,[1] may be selected as above provided: *And
ded further,* That the word "mineral," when
rs in this act, shall not be held to include iron
al: *And provided further,* That no money
be drawn from the treasury of the United

[1] words "and within fifty miles thereof" were omitted
printing of 13 Stat. 365.

States to aid in the construction of the said "Northern Pacific Railroad."

SEC. 4. *And be it further enacted,* That whenever said "Northern Pacific Railroad Company" shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that twenty-five consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to, and coterminous with, said completed section of said road; and, from time to time, whenever twenty-five additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every twenty-five miles of said road is completed as aforesaid: *Provided,* That not more than ten sections of land per mile, as said road shall be completed, shall be conveyed to said company for all that part of said railroad lying east of the western boundary of the State of Minnesota, until the whole of said railroad shall be finished and in good running order, as a first-class railroad, from the place of beginning on Lake Superior to the western boundary of Minnesota: *Provided, also,* That lands shall not be

granted under the provisions of this act on account of any railroad, or part thereof, constructed at the date of the passage of this act.

SEC. 5. *And be it further enacted,* That said Northern Pacific Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including furniture, and rolling stock, equal in all respects to railroads of the first class, when prepared for business, with rails of the best quality, manufactured from American iron. And a uniform gauge shall be established throughout the entire length of the road. And there shall be constructed a telegraph line, of the most substantial and approved description, to be operated along the entire line: *Provided,* That the said company shall not charge the government higher rates than they do individuals for like transportation and telegraphic service. And it shall be the duty of the Northern Pacific Railroad Company to permit any other railroad which shall be authorized to be built by the United States, or by the legislature of any territory or state in which the same may be situated, to form running connections with it, on fair and equitable terms.

SEC. 6. *And be it further enacted,* That the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; and the odd sections of land hereby granted shall not be liable to sale, or entry, or preemption before or after they are surveyed, except by said company, as provided

in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting preemption rights, and the acts amendatory thereof, and of the act entitled "An Act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road, when surveyed, excepting those hereby granted to said company. And the reserved alternate sections shall not be sold by the government at a price less than two dollars and fifty cents per acre, when offered for sale.

SEC. 7. *And be it further enacted,* That the said "Northern Pacific Railroad Company" be, and is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width two hundred feet on each side of the line of its railroad, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turn-outs, standing places for cars, depots, station houses, or any other structures required in the construction and working of said road. And the said company shall have the right to cut and remove trees and other material that might, by falling, encumber its roadbed, though standing or being more than two hundred feet from the line of said road. And in case the owner of such lands or premises and the said company cannot agree as to the value of the premises taken, or to be taken, for the use of said road, the value thereof shall be determined by the appraisal of

three disinterested commissioners, who may be appointed, upon application by either party, to any court of record in any of the territories in which the lands or premises to be taken lie; and said commissioners, in their assessment of damages, shall appraise such premises at what would have been the value thereof if the road had not been built. And upon return into court of such appraisement, and upon the payment into the same of the estimated value of the premises taken for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved at said appraisement may, within thirty days after the same has been returned into court, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction of its road. And said party appealing shall give bonds, with sufficient surety or sureties, for the payment of any cost that may arise upon such appeal; and in case the party appealing does not obtain a verdict, increasing or diminishing, as the case may be, the award of the commissioners, such party shall pay the whole cost incurred by the appellee, as well as his own, and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded, shall be held to vest in said company the title of said land, and of the right to use and occupy the same for the construction, maintenance, and operation of said road. And in case any of the lands to be

taken, as aforesaid, shall be held by any infant, femme covert, non compos, insane person, or persons residing without the territory within which the lands to be taken lie, or persons subjected to any legal disability, the court may appoint a guardian for any party under any disqualification, to appear in proper person, who shall give bonds, with sufficient surety or sureties, for the proper and faithful execution of his trust, and who may represent in court the person disqualified, as aforesaid, from appearing, when the same proceedings shall be had in reference to the appraisement of the premises to be taken for the use of said company, and with the same effect as has been already described; and the title of the company to the lands taken by virtue of this act shall not be affected or impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case any party shall have a right or claim to any land for a term of years, or any interest therein, in possession, reversion, or remainder, the value of any such estate, less than a fee simple, shall be estimated and determined in the manner hereinbefore set forth. And in case it shall be necessary for the company to enter upon any lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purposes of said railroad, and may institute proceedings, in manner described, for the purpose of ascertaining the value of, and of acquiring title to, the same; but the judge of the court hearing said suit shall determine the kind of notice to be served on such owner or owners, and he may in its discretion appoint an agent or guardian to represent such

owner or owners in case of his or their incapacity or nonappearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claims to damages against said company shall be barred.

SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to, and accepted by, said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-six.

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

SEC. 10. *And be it further enacted*, That all people of the United States shall have the right to subscribe to the stock of the Northern Pacific Railroad Company until the whole capital named in this act of incorporation is taken up, by complying with the terms of subscription; and no mortgage

or construction bonds shall ever be issued by said company on said road, or mortgage, or lien made in any way, except by the consent of the congress of the United States.

SEC. 11. *And be it further enacted,* That said Northern Pacific Railroad, or any part thereof, shall be a post route and a military road, subject to the use of the United States, for postal, military, naval, and all other government service, and also subject to such regulations as congress may impose restricting the charges for such government transportation.

SEC. 12. *And be it further enacted,* That the acceptance of the terms, conditions, and impositions of this act by the said Northern Pacific Railroad Company shall be signified in writing under the corporate seal of said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within two years after the passage of this act, and not afterwards, and shall be served on the President of the United States.

SEC. 13. *And be it further enacted,* That the directors of said company shall make an annual report of their proceedings and expenditures, verified by the affidavits of the president and at least six of the directors, and they shall, from time to time, fix, determine, and regulate the fares, tolls, and charges to be received and paid for transportation of persons and property on said road, or any part thereof.

SEC. 14. *And be it further enacted,* That the directors chosen in pursuance of the first section of this act shall, so soon as may be after their election, elect from their own number a president and vice

president; and said board of directors shall, from time to time, and so soon as may be after their election, choose a treasurer and secretary, who shall hold their offices at the will and pleasure of the board of directors. The treasurer and secretary shall give such bonds, with such security as the said board from time to time may require. The secretary shall, before entering upon his duty, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of said corporation. No person shall be a director of said company unless he shall be a stockholder, and qualified to vote for directors at the election at which he shall be chosen.

SEC. 15. *And be it further enacted,* That the president, vice president, and directors shall hold their offices for the period indicated in the by-laws of said company, not exceeding three years, respectively, and until others are chosen in their place, and qualified. In case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that excuse be deemed to be dissolved, but such election may be holden on any day which shall be appointed by the directors. The directors, of whom seven, including the president, shall be a quorum for the transaction of business, shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, the transfer of shares, the duties and conduct of their officers and servants touching the election and meeting of the directors, and all matters whatsoever which may appertain

to the concerns of said company; and the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes from time to time in their said board. And the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the object of the company, and to do all acts and things touching the location and construction of said road.

SEC. 16. *And be it further enacted,* That it shall be lawful for the directors of said company to require payment of the sum of ten per centum cash assessment upon all subscriptions received of all subscribers, and the balance thereof at such times and in such proportions and on such conditions as they shall deem to be necessary to complete the said road and telegraph line within the time in this act prescribed. Sixty days' previous notice shall be given of the payments required, and of the time and place of payment, by publishing a notice once a week in one daily newspaper in each of the cities of Boston, New York, Philadelphia, and Chicago; and in case any stockholder shall neglect or refuse to pay, in pursuance of such notice, the stock held by such person shall be forfeited absolutely to the use of the company, and also any payment or payments that shall have been made on account thereof, subject to the condition that the board of directors may allow the redemption on such terms as they may prescribe.

SEC. 17. *And be it further enacted,* That the said company is authorized to accept to its own use any grant, donation, loan, power, franchise, aid, or assistance which may be granted to, or conferred

upon, said company by the congress of the United States, by the legislature of any state, or by any corporation, person, or persons; and said corporation is authorized to hold and enjoy any such grant, donation, loan, power, franchise, aid, or assistance, to its own use for the purpose aforesaid.

SEC. 18. *And be it further enacted,* That said Northern Pacific Railroad Company shall obtain the consent of the legislature of any state through which any portion of said railroad line may pass, previous to commencing the construction thereof; but said company may have the right to put on engineers and survey the route before obtaining the consent of the legislature.

SEC. 19. *And be it further enacted,* That unless said Northern Pacific Railroad Company shall obtain bona fide subscriptions to the stock of said company to the amount of two millions of dollars, with ten per centum paid within two years after the passage and approval of this act, it shall be null and void.

SEC. 20. *And be it further enacted,* That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, congress may, at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act.

Approved July 2, 1864.

Act of March 3, 1865, c. CXXVII, 13 Stat. 541, 559

An Act making Appropriations for the current and contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes for the Year ending thirtieth June, eighteen hundred and sixty-six, and for other Purposes

* * * * *

To enable the Secretary of the Interior to negotiate a treaty with the Blackfoot and other tribes of Indians to relinquish so much of their reservation as lies south of the Missouri River, fifteen thousand dollars.

* * * * *

Resolution of May 7, 1866, No. 34, 14 Stat. 355

A Resolution extending the Time for the Completion of the Union Pacific Railway, Eastern Division

* * * * *

SEC. 2. *And be it further resolved,* That the time for commencing and completing the Northern Pacific Railroad, and all its several sections, is extended for the term of two years.

Approved May 7, 1866.

Joint resolution of July 1, 1868, No. 47, 15 Stat. 255

Joint Resolution extending the Time for the Completion of the Northern Pacific Railroad

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast," is hereby so amended as to read as follows: That each and every grant, right, and privilege herein, are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from and after the second day of July, eighteen hundred and sixty-eight, and shall complete not less than one hundred miles per year after the second year thereafter, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, Anno Domini eighteen hundred and seventy-seven.

Approved July 1, 1868.

Joint resolution of March 1, 1869, No. 15, 15 Stat. 346

Joint Resolution gra(n)ting the Consent of Congress provided for in section ten of the Act, incorporating the Northern Pacific Railroad Company, approved July second, eighteen hundred and sixty-four

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States is hereby given to the Northern Pacific Railroad Company to issue its bonds, and to secure the same by mortgage upon its railroad and its telegraph line, for the purpose of raising funds with which to construct said railroad and telegraph line between Lake Superior and Puget Sound, and also upon its branch to a point at or near Portland, Oregon; and the term "Puget Sound," as used here and in the act incorporating said company, is hereby construed to mean all the waters connected with the straits of Juan de Fuca within the territory of the United States.

Approved March 1, 1869.

Joint resolution of April 10, 1869, No. 20, 16 Stat. 57

Joint Resolution granting Right of Way for the Construction of a Railroad from a Point at or near Portland, Oregon, to a Point west of the Cascade Mountains, in Washington Territory

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Pacific Railroad Company be, and hereby is, authorized to extend its branch line from a point at or near Portland, Oregon, to some suitable point on Puget Sound, to be determined by said company, and also to connect the same with its main line west of the Cascade mountains, in the Territory of Washington; said extension being subject to all the conditions and provisions, and said company in respect thereto being entitled to all the rights and privileges conferred by the act incorporating said company, and all acts additional to and amendatory thereof: *Provided,* That said company shall not be entitled to any subsidy in money, bonds, or additional lands of the United States, in respect to said extension of its branch line as aforesaid, except such lands as may be included in the right of way on the line of such extension as it may be located: *And provided further,* That at least twenty-five miles of said extension shall be constructed before the second day of July, eighteen hundred and seventy-one, and forty miles per year thereafter until the whole of said extension shall be completed.

Approved April 10, 1869.

Joint resolution of May 31, 1870, No. 67, 16 Stat. 378

A Resolution authorizing the Northern Pacific Railroad Company to issue its Bonds for the Construction of its Road and to secure the same by Mortgage, and for other Purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Pacific Railroad Company be, and hereby is, authorized to issue its bonds to aid in the construction and equipment of its road, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise as a corporation; and, as proof and notice of its legal execution and effectual delivery, said mortgage shall be filed and recorded in the office of the Secretary of the Interior; and also to locate and construct, under the provisions and with the privileges, grants, and duties provided for in its act of incorporation, its main road to some point on Puget Sound, via the valley of the Columbia river, with the right to locate and construct its branch from some convenient point on its main trunk line across the Cascade Mountains to Puget Sound; and in the event of there not being in any State or Territory in which said main line or branch may be located, at the time of the final location thereof, the amount of lands per mile granted by Congress to said company, within the limits prescribed by its charter, then said company shall be entitled, under the directions of the Secretary of the Interior, to receive so many sections of land

belonging to the United States, and designated by odd numbers, in such State or Territory, within ten miles on each side of said road, beyond the limits prescribed in said charter, as will make up such deficiency, on said main line or branch, except mineral and other lands as excepted in the charter of said company of eighteen hundred and sixty-four, to the amount of the lands that have been granted, sold, reserved, occupied by homestead settlers, preempted, or otherwise disposed of subsequent to the passage of the act of July two, eighteen hundred and sixty-four. And that twenty-five miles of said main line between its western terminus and the city of Portland, in the State of Oregon, shall be completed by the first day of January, anno Domini eighteen hundred and seventy-two, and forty miles of the remaining portion thereof each year thereafter, until the whole shall be completed between said points: *Provided*, that all lands hereby granted to said company which shall not be sold or disposed of, or remain subject to the mortgage by this act authorized, at the expiration of five years after the completion of the entire road, shall be subject to settlement and preemption like other lands, at a price to be paid to said company not exceeding two dollars and fifty cents per acre; and if the mortgage hereby authorized shall at any time be enforced by foreclosure or other legal proceeding, or the mortgaged lands hereby granted, or any of them, be sold by the trustees to whom such mortgage may be executed, either at its maturity or for any failure or default of said company under the terms thereof, such lands shall be sold at public sale, at places within the States and Territories in

they shall be situate, after not less than sixty previous notice, in single sections or subdivisions thereof, to the highest and best bidder: *Provided further,* That in the construction of the said road, American iron or steel only shall be used, if the same to be manufactured from American ores exclusively.

2. *And be it further resolved,* That Congress may at any time alter or amend this joint resolution, having due regard to the rights of said company and any other parties.

Approved May 31, 1870.

Act of July 15, 1870, C. CCXCII, 16 Stat. 291, 305

An Act making Appropriations for sundry civil Expenses of the Government for the Year ending June thirty, eighteen hundred and seventy-one, and for other Purposes

* * * * *

For the survey of the public lands within the limits of the land grant to the Northern Pacific Railroad Company in a direct line extending from Du Luth, on Lake Superior, to Georgetown, on the Red river of the North, ninety-five thousand nine hundred and eighty dollars: *Provided,* That five thousand dollars of this appropriation shall be expended for office work by the surveyor-general of Minnesota: *And provided further,* That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company, there shall first be paid into the treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or party in interest.

* * * * *

Act of July 10, 1882, c. 284, 22 Stat. 157

An act to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made between the United States of America, represented by Llewellyn A. Luce, William H. Walker, and Charles A. Maxwell, special agents duly appointed in that behalf by the Secretary of the Interior, of the one part, and the Crow tribe of Indians resident on the Crow Reservation, in the Territory of Montana, acting under the supervision and with the approval of the Secretary of the Interior, of the other part, be, and the same is hereby, ratified and confirmed. Said agreement is executed by a majority of all the adult male Indians of the Crow tribe occupying or interested in the lands therein more particularly described, in conformity with the provisions contained in article eleven of the treaty with the Crow Indians of May seventh, eighteen hundred and sixty-eight, and is in the words following, namely:

"Whereas by section one of an act of Congress approved July second, eighteen hundred and sixty-four, entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route' (thirteenth Statutes at

Large, page three hundred and sixty-five), the Northern Pacific Railroad Company was authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely: Beginning at a point on Lake Superior in the State of Minnesota or Wisconsin, thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude, to some point on Puget Sound; and

"Whereas by section two of said act Congress granted to said company the right-of-way for the construction of said railroad and telegraph line to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, workshops, depots, machine shops, switches, sidetracks, turntables, and water stations; and

"Whereas by said section two Congress provided that the United States should extinguish as rapidly as may be consistent with public policy and the welfare of the Indians the Indian titles to all lands falling upon the operation of this act and acquired in the donation to the road named in the act; and

"Whereas by treaty between the United States and the Crow Indians concluded at Fort Laramie, May seventh, eighteen hundred and sixty-eight, and duly ratified and proclaimed (fifteenth Statutes at Large, page six hundred and forty-nine), a district of country in the Territory of Montana was set apart as a reservation for the absolute and undisturbed use and occupation of said Indians; and

"Whereas there is no provision or stipulation in said treaty authorizing said company or recognizing its right to construct its road through said reservation; and

"Whereas the said company did, on the twenty-fifth day of June, eighteen hundred and eighty-one, file in the Department of the Interior a map showing the definite location of its line of railroad from the one hundred and seventh degree of longitude west from Greenwich westwardly through said reservation and adjacent territory to the western boundary of the said reserve, as provided by said act of eighteen hundred and sixty-four, the company having first obtained the permission of the Secretary of the Interior to survey its line in said reservation; and

"Whereas the said company desires to construct its line of railroad upon such designated route, and claims the right by virtue of said act so to do:

"Now, therefore, in order to fulfill the obligations of the government in the premises, this agreement, made this twenty-second day of August anno domini eighteen hundred and eighty-one, between the Crow tribe of Indians resident on the Crow Reservation, in the Territory of Montana, represented by their chiefs, headmen, and heads of a majority of families, and being a majority of all the adult male Indians occupying or interested in the lands hereinafter described, the said Indians acting under the supervision and with the approval of the Secretary of the Interior of the United States, of the one part, and the United States of America, represented by Llewellyn A. Luce, William H. Walker, and Charles A. Maxwell, special

agents duly appointed in this behalf by the Secretary of the Interior, of the other part, witnesseth. That for the consideration hereinafter mentioned the Crow tribe of Indians do hereby surrender and relinquish to the United States all their right, title, and interest in and to all that part of the Crow Reservation situate in the Territory of Montana and described as follows, namely:

"A strip of land not exceeding four hundred feet in width, that is to say, two hundred feet on each side of the line laid down on the map of definite location hereinbefore mentioned, wherever said line runs through said reservation between the one hundred and seventh degree of longitude west of Greenwich on the east and the midchannel of the Big Boulder River on the west, containing five thousand three hundred and eighty-four acres, more or less. An official copy of said map of definite location was, on this twenty-second day of August, anno Domini eighteen hundred and eighty-one, produced before said special agents and the Indians in council, was fully explained to said Indians, and is hereunto attached, marked A, and made a part of this agreement. Also the several parcels of land situate along and adjoining the said strip of land hereinbefore mentioned between the one hundred and seventh degree of longitude west of Greenwich on the east and the midchannel of the Big Boulder River on the west, as defined and described on a map produced before said special agents and the Indians in council on the day and date above mentioned, and fully explained to and understood by said Indians; said tracts being designated on the aforesaid map by the letters A, B, C, D, E, F, G, H, I, J, and K, and containing, respec-

ively, the following area, that is to say: Tract A, wenty-six and twenty-three hundredths acres; ract B, twenty-eight and fifty-four hundredths cres; tract C, twenty-six and twenty-three hun-lredths acres; tract E, twenty-six and twenty-three undredths acres; tract F, twenty-six and twenty-hree hundredths acres; tract G, twenty-six and wenty-three hundredths acres; tract H, twenty-six nd twenty-three hundredths acres; tract I, twen-y-six and twenty-three hundredths acres; tract J, wenty-eight and thirty-two hundredths acres; ract K, twenty-six and twenty-three hundredths cres, aggregating two hundred and sixty-six acres, more or less, said map being hereunto attached, marked B, and made a part of this agreement; which last-mentioned tracts are intended for the se of said Northern Pacific Railroad Company for tation houses, depots, switches, and so forth. It s further stipulated and agreed that the United States will not permit the said railroad company, ts employees or agents, to trespass upon any part f the lands of the Crow Indian Reservation not ereby relinquished, nor permit said company, its mployees or agents, to cut any timber, wood, or ay from the lands embraced in said reservation.

"And it is further stipulated and agreed that the Secretary of the Interior, upon such terms as he nay see fit to impose, may permit to be constructed, naintained, and used within said Crow Indian Reservation wagon roads not exceeding three in umber, in addition to any established wagon roads which may be now in use therein; the said three oads to connect with the line of said railroad at uch points as the Secretary of the Interior may lesignate; all of which wagon roads shall be under-

the control of the Government of the United States.

"In consideration for the lands hereby relinquished, amounting in the aggregate to five thousand six hundred and fifty acres, more or less, and for the privileges herein granted, the United States stipulates and agrees to pay to the Crow tribe of Indians the sum of twenty-five thousand dollars, to be deposited in the Treasury of the United States to the credit of the said tribe of Indians upon the ratification of this agreement by Congress, and the necessary appropriation made therefor, the sum aforesaid to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct; the same to be in addition to any and all moneys to which the said Indians are entitled under the provisions of the treaty of May seventh, eighteen hundred and sixty-eight, hereinbefore mentioned.

"All provisions of existing treaties with the Crow Indians not affected by this agreement are to remain in full force and effect, and this agreement is to be subject to ratification by Congress.

"Executed at Crow Agency, in the Territory of Montana, this twenty-second day of August, anno Domini eighteen hundred and eighty-one, as witness the following signatures."

SEC. 2. That for the purpose of carrying the provisions of this act into effect the sum of twenty-five thousand dollars is hereby set aside, out of any moneys in the United States Treasury not otherwise appropriated, to be deposited in the United States Treasury to the credit of the Crow tribe of Indians, and to be expended for the benefit of the

said Indians in such manner as the Secretary of the Interior may direct.

SEC. 3. That the right-of-way over the land relinquished by said agreement to the United States for the construction of said Northern Pacific Railroad; and the use of the several parcels of lands so relinquished intended to be used for depots, stations, sidings, and so forth, for said railroad, are hereby granted to said Northern Pacific Railroad Company, its successors and assigns, for the uses and purposes in said agreement set forth; but the land, or any part thereof, relinquished to the United States by said agreement shall not be used for railroad purposes by or for the said Northern Pacific Railroad Company, its successors or assigns, except upon the condition precedent that the said company, its successors or assigns, shall, within sixty days from the taking effect of this act, pay to the Treasurer of the United States said sum of twenty-five thousand dollars hereby appropriated to be paid by the United States for the lands relinquished to the United States by said agreement, and shall within the same time file with the Secretary of the Interior its written acceptance of the conditions of this section; nor shall said land, or any part thereof, be continued to be used for railroad purposes by or for said Northern Pacific Railroad Company, its successors or assigns, except upon the further condition that said company, its successors or assigns, will pay any and all damages which the United States or said Indians, individually or in their tribal capacity, or any other Indians lawfully occupying said reservation, may sustain by reason or on account of the act or acts of said company, its suc-

cessors or assigns, its agents or employees, or on account of fires originating by or in the construction or operation of said railroad, the damages in all cases to be recovered in any court of the Territory of Montana having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided,* That the said United States attorney may accept such sum of money in satisfaction of any such injury or damages as in his discretion may be just; and if so accepted before suit or action is commenced, no suit or action shall be instituted, and if accepted after commencement of suit or action, the same shall be dismissed at the cost of said company, its successors, or assigns.

SEC. 4. That all moneys accepted or recovered under the provisions of section three of this act shall be covered into the Treasury of the United States, and if accepted or recovered on account of damages sustained by said Indians as aforesaid, they shall be placed to the credit of said Indians in their tribal names, to be expended by the Secretary of the Interior for the benefit of said Indians in such manner as he may deem for their best interest, except in the case of an individual Indian, when the amount covered into the Treasury shall be expended for his sole benefit.

Approved July 10, 1882.

Act of July 4, 1884, C. 180, 23 Stat. 76, 89:

An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes

* * * * *

To enable the Secretary of the Interior to pay to the Flathead, Kootenay, and Lower Pend d'Oreilles Indians in Montana Territory for the right-of-way to the Northern Pacific Railroad Company over and through their reservation, sixteen thousand dollars, to be paid in accordance with an agreement made between said tribes and the United States on September second, eighteen hundred and eighty-two, and being the sum paid to the United States by the Northern Pacific Railroad Company in part payment for said right-of-way which agreement is hereby ratified: *Provided*, That nothing herein shall be construed as in any wise affecting the relation between the Government and said Railroad Company growing out of the grant of land made to said company beyond the right-of-way provided for in said agreement.

* * * * *

Act of March 3, 1887, c. 376, 24 Stat. 556

An Act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby authorized and directed to immediately adjust, in accordance with the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads and heretofore unadjusted.

SEC. 2. That if it shall appear, upon the completion of such adjustments respectfully, or sooner, that lands have been, from any cause, heretofore erroneously certified or patented, by the United States, to or for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits; and if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title heretofore issued for such lands, and to restore the title thereof to the United States.

SEC. 3. That if, in the adjustment of said grants, it shall appear that the homestead or pre-emption entry of any bona fide settler has been erroneously canceled on account of any railroad grant or the withdrawal of public lands from market, such settler upon application shall be reinstated in all his rights and allowed to perfect his entry by complying with the public land laws: *Provided,* That he has not located another claim or made an entry in lieu of the one so erroneously canceled: *And provided also,* That he did not voluntarily abandon said original entry: *And provided further,* That if any of said settlers do not renew their application to be reinstated within a reasonable time, to be fixed by the Secretary of the Interior, then all such unclaimed lands shall be disposed of under the public-land laws, with priority of right given to bona fide purchasers of said unclaimed lands, if any, and if there be no such purchasers, then to bona fide settlers residing thereon.

SEC. 4. That as to all lands, except those mentioned in the foregoing section, which have been so erroneously certified or patented as aforesaid, and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intention to become such citizens, the person or persons so purchasing in good faith, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase, at the proper land office, within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted; and patents of the United States shall issue therefor, and shall relate

back to the date of the original certification or patenting, and the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands; and in case of neglect or refusal of such company to make payment as hereafter specified, within ninety days after the demand shall have been made, the Attorney General shall cause suit or suits to be brought against such company for the said amount: *Provided,* That nothing in this act shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid from recovering the purchase money therefor from the grantee company, less the amount paid to the United States by such company as by this act required: *And provided,* That a mortgage or pledge of said lands by the company shall not be considered as a sale for the purpose of this act, nor shall this act be construed as a declaration of forfeiture of any portion of any land grant for conditions broken, or as authorizing an entry for the same, or as a waiver of any rights that the United States may have on account of any breach of said conditions.

SEC. 5. That where any said company shall have sold to citizens of the United States, or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being coterminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant

to said company, it shall be lawful for the bona fide purchaser thereof from said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to the said bona fide purchaser, his heirs or assigns: *Provided,* That all lands shall be excepted from the provisions of this section which at the date of such sales were in the bona fide occupation of adverse claimants under the pre-emption or homestead laws of the United States, and whose claims and occupation have not since been voluntarily abandoned, as to which excepted lands the said pre-emption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor: *Provided further,* That this section shall not apply to lands settled upon subsequent to the first day of December, eighteen hundred and eighty-two, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases.

SEC. 6. That where any such lands have been sold and conveyed, as the property of any railroad company, for the State and county taxes thereon, and the grant to such company has been thereafter forfeited, the purchaser thereof shall have the prior right, which shall continue for one year from the approval of this act, and no longer, to purchase such lands from the United States at the Government price, and patents for such lands shall thereupon issue. *Provided,* That said lands were not, previous to or at the time of the taking effect of such

grant, in the possession of or subject to the right of any actual settler.

SEC. 7. That no more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit of either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers may create an excess over the quantity of lands to which such State corporation or individual would be rightfully entitled.

Approved March 3, 1887.

Act of October 19, 1888, C. 1210, 25 Stat. 565, 567

An Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-eight, and for prior years, and for other purposes

* * * * * *

To pay Northern Pacific Railway Company for transportation of public property in March and April, eighteen hundred and eighty-seven, eighteen dollars and sixty-three cents.

* * * * * *

Act of March 1, 1889, C. 326, 25 Stat. 771:

An act for the relief of certain settlers in Hettinger County, Dakota

Whereas certain settlers in townships one hundred and thirty-five north and one hundred and thirty-six north, range ninety-seven west, and one hundred and thirty-four north, range ninety-six west, fifth principal meridian, Hettinger County, Dakota, find that by reason of a mistake in the preliminary survey their homestead claims are on lands of the Northern Pacific Railroad rather than on Government sections: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and empowered to give relief to such homesteaders or others as have been adversely affected by the Government survey, by an exchange of lands with the Northern Pacific Railroad, section for section, or fraction thereof, as the interests of the parties may appear, so as to admit of the company taking other lands within the indemnity limits, in lieu of the tracts covered by actual settlements made prior to Government survey: *Provided,* That the said railroad company will become a party to said exchange.

SEC. 2. That the homestead residence of five years required for holding said lands shall date from the first occupation of said claims.

SEC. 3. That nothing contained in this act shall be taken or construed as waiving, releasing, or in

any wise affecting any right of the United States to forfeit any lands granted to the Northern Pacific Railroad Company by act of Congress to aid in the construction of its line of railroad, by reason of the breach of the conditions of any such grant; and any rights to any lands acquired by the Northern Pacific Railroad Company under the provisions of this act shall be taken and held subject to whatever conditions and right of forfeiture now attach to the lands which the Northern Pacific Railroad Company may give in exchange under the provisions of this act.

Approved March 1, 1889.

Act of September 29, 1890, C. 1040, 26 Stat. 496

An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and coterminous with the portion of any such railroad not now completed, and in operation, for the construction or benefit of which such lands were granted; and all such lands are declared to be a part of the public domain: *Provided,* That this act shall not be construed as forfeiting the right of way or station grounds of any railroad company heretofore granted.

SEC. 2. That all persons who, at the date of the passage of this act, are actual settlers in good faith on any of the lands hereby forfeited and are otherwise qualified, on making due claim on said lands under the homestead law within six months after the passage of this act, shall be entitled to a preference right to enter the same under the provisions of the homestead law and this act, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land

heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act. The Secretary of the Interior shall make such rules as will secure to such actual settlers these rights.

SEC. 3. That in all cases where persons being citizens of the United States, or who have declared their intentions to become such, in accordance with the naturalization laws of the United States, are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January first, eighteen hundred and eighty-eight, or where persons may have settled said lands with bona fide intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting acts of Congress they shall be entitled to purchase the same from the United States, in quantities not exceeding three hundred and twenty acres to any one such person, at the rate of one dollar and twenty-five cents per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor, and where any such person in actual possession of any such lands and having improved the same prior to the first day of January, eighteen hundred and ninety, under deed, written contract, or license as aforesaid, or his assignor, has made partial or full payments to said railroad company prior to said date, on account of the purchase price of said lands from it, on proof of the

amount of such payments he shall be entitled to have the same, to the extent and amount of one dollar and twenty-five cents per acre, if so much has been paid, and not more, credited to him on account of and as part of the purchase price herein provided to be paid the United States for said lands, or such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in the preceding section of this act: Provided, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further,* That the provisions of this section shall not apply to any lands situate in the State of Iowa on which any person in good faith has made or asserted the right to make a preemption or homestead settlement: *And provided further,* That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March third, eighteen hunded and eighty-seven, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing

in favor of any purchaser against his grantor for breach of any covenants of title.

SEC. 4. That section five of an act entitled "An act for a grant of lands to the State of Iowa in alternate sections to aid in the construction of a railroad in said State," approved May seventeenth, eighteen hundred and sixty-four, and section seven of an act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes," approved March third, eighteen hundred and sixty-five, and also section five of an act entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections to aid in the construction of railroads in said State," approved July fourth, eighteen hundred and sixty-six, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed; and so much of the provisions of section four of an act approved June second, eighteen hundred and sixty-four, and entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State,'" approved May fifteenth, eighteen hundred and fifty-six, be, and the same are hereby, repealed so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or six miles granted limits of the roads mentioned in said act of June second, eighteen hundred and sixty-four, or the act of which the same is amendatory.

SEC. 5. That if it shall be found that any lands heretofore granted to the Northern Pacific Rail-

road Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Washington, easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section twenty-seven, in township seven north, of range thirty-seven east, of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July first, eighteen hundred and eighty-five, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of two dollars and fifty cents per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity: *Provided,* That the rights of way and riparian rights heretofore attempted to be conveyed to the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, by deed of conveyance dated August eighth, eighteen hundred and eighty-six, and which are described as follows: A strip of land fifty feet in width, being twenty-five feet on each side of the center line of a water-pipe line, as the same is staked out and lo-

cated, or as it shall be hereafter finally located according to the provisions of an act of the legislative assembly of the State of Oregon approved November twenty-fifth, eighteen hundred and eighty-five, providing for the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following-described tracts of land: Sections nineteen and thirty-one in township one south, of range six east; sections twenty-five, thirty-one, thirty-three, and thirty-five, in township one south, of range five east; sections three and five in township two south, of range five east; section one in township two south, of range four east; sections twenty-three, twenty-five, and thirty-five in township one south, of range four east, of the Willamette meridian, in the State of Oregon, forfeited by this act, are hereby confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the hereinbefore-described strip of land, over and across the above-described sections for the purpose of constructing, maintaining, and repairing a water-pipe line aforesaid.

SEC. 6. That no lands declared forfeited to the United States by this act shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation, or person to lands which were excepted from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and

a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure by virtue of the forfeiture hereby declared to the benefit of the completed line.

SEC. 7. That in all cases where lands included in a grant of land to the State of Mississippi, for the purpose of aiding in the construction of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad, have heretofore been sold by the officers of the United States for cash, or with the allowance or approval of such officers have been entered in good faith under the preemption or homestead laws, or upon which there were bona fide preemption or homestead claims on the first day of January, eighteen hundred and ninety, arising or asserted by actual occupation of the land under color of the laws of the United States, the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed and persons claiming the right to enter as aforesaid may perfect their entry under the law. And on condition that the Gulf and Ship Island Railroad Company within ninety days from the passage of this act shall, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest, right, title, and claim in and to all such lands as have been sold, entered, or claimed as aforesaid, then the forfeiture declared in the first section of this act shall not apply to or in anywise affect so much and such parts of said grant of lands to the State of Mississippi as

lie south of a line drawn east and west through the point where the Gulf and Ship Island Railroad may cross the New Orleans and Northeastern Railroad in said State until one year after the passage of this act. And there may be selected and certified to or in behalf of said company lands in lieu of those hereinbefore required to be surrendered to be taken within the indemnity limits of the original grant nearest to and opposite such part of the line as may be constructed at the date of selection.

SEC. 8. That the Mobile and Girard Railroad Company, of Alabama, shall be entitled to the quantity of land earned by the construction of its road from Girard to Troy, a distance of eighty-four miles. And the Secretary of the Interior in making settlement and certifying to or for the benefit of the said company the lands earned thereby shall include therein all the lands sold, conveyed, or otherwise disposed of by said company not to exceed the total amount earned by said company as aforesaid. And the title of the purchasers to all such lands are hereby confirmed so far as the United States are concerned.

But such settlement and certification shall not include any lands upon which there were bona fide preemptors or homestead claims on the first day of January, eighteen hundred and ninety, arising or asserted by actual occupation of the land under color of the laws of the United States.

The right hereby given to the said railroad company is on condition that it shall within ninety days from the passage of this act, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest,

right, title, and claim in and to all such lands within the limits of its grant, as have heretofore been sold by the officers of the United States for cash, where the Government still retains the purchase money, or with the allowance or approval of such officers have been entered in good faith under the preemption or homestead laws, or as are claimed under the homestead or preemption laws as aforesaid and the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed, and all such claims under the preemption or homestead laws may be perfected as provided by law. Said company to have the right to select other lands, as near as practicable to constructed road, and within indemnity limits in lieu of the lands so relinquished. And the title of the United States is hereby relinquished in favor of all persons holding under any sales by the local land officers, of the lands in the granted limits of the Alabama and Florida Railroad grant, where the United States still retains the purchase money but without liability on the part of the United States.

Approved September 29, 1890.

Act of October 1, 1890, C. 1258, 26 Stat. 647

An act for the relief of settlers on Northern Pacific Railroad indemnity lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those persons who, after the fifteenth day of August, in the year of our Lord eighteen hundred and eighty-seven, and before the first day of January, in the year eighteen hundred and eighty-nine, settled upon, improved, and made final proof on lands in the so-called second indemnity belt of the Northern Pacific Railroad Company's grant under the homestead and preemption laws of the United States, or their heirs, may transfer their said entries from said tracts to such other vacant surveyed Government land in compact form and in legal subdivisions, subject to entry under the homestead and preemption laws, as they may select, and receive final certificates and receipts therefor, in lieu of the tracts proved up on in said belt by the respective claimants: *Provided,* That such transfer of entry shall be made and completed within twelve months from the date of the passage of this act, and be so made in person by the claimant, or in case of death by his legal representative, and without the intervention of agent or attorney.

SEC. 2. That all persons possessing the requisite qualifications under the preemption or homestead laws, who in good faith settled upon and improved land in said second indemnity belt, having made

filing or entry of the same, and for any reason, other than voluntary abandonment, failed to make proof thereon, may, in lieu thereof within one year after the passage of this act transfer their claims to any vacant surveyed Government land subject to entry under the homestead or preemption laws, and make proof therefor as in other cases provided; and in making such proof credit shall be given for the period of their bona fide residence and amount of their improvements upon their respective claims in the said indemnity belt, the same as if made upon the tract to which the transfer is made: *Provided,* That no final entry shall be permitted, except upon proof of continuous residence upon the land, the subject of such new entry, for a period of not less than three months prior thereto. Payment for said final selection shall be made as under existing laws. The provisions of this act shall be carried into effect under such rules and regulations as may be prescribed by the Secretary of the Interior.

Approved October 1, 1890.

Act of March 3, 1891, C. 561, 26 Stat. 1095, 1103

An act to repeal timber-culture laws, and for other purposes

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SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Approved March 3, 1891.

Act of February 20, 1893, C. 145, 27 Stat. 468

An act to ratify and confirm agreement between the Puyallup Indians and the Northern Pacific Railroad Company for right-of-way through the Puyallup Indian Reservation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement dated November twenty-first, eighteen hundred and seventy-six, made between J. W. Sprague, superintendent of the Pacific division of the Northern Pacific Railroad Company, on behalf of said Company, and R. H. Milroy, then agent in charge of the Puyallup Indian Reservation, on behalf of the Indians occupying the same, a copy of which is on file in the office of the Secretary of the Interior, under the terms of which said Indians granted said railroad company right-of-way through said reservation for its Cascade Branch, which said agreement was assented to and approved by said Indians, as evidenced by a certain memorandum in writing, bearing date November twenty-third, eighteen and seventy-six, signed by the chiefs and headmen of the Puyallup tribe of Indians, also on file in the office of the Secretary of the Interior, which said last-mentioned agreement was approved by the Commissioner of Indian Affairs December fourteenth, eighteen hundred and seventy-six, and by the Secretary of the Interior April thirteenth, eighteen hundred and seventy-seven, be, and the same is hereby, ratified and approved: *Provided,* The said company shall comply with all the terms and stipu-

lations of said agreement and maintain in proper condition all buildings, structures, and ways provided for therein.

SEC. 2. That there be, and is hereby, granted to the Northern Pacific Railroad Company a right-of-way not exceeding sixty feet in width through the Puyallup Indian Reservation, for a spur one thousand three hundred and seventy-eight feet in length from a point on the Cascade branch of said railroad company now constructed through said reservation to the western boundary thereof, according to the map thereof filed by said railroad company in the office of the Commissioner of Indian Affairs June twenty-seventh, eighteen hundred and eighty-eight, upon the following terms and conditions, viz:

FIRST. That said railroad company shall erect and maintain on either side of said right-of-way a good lawful fence so as to protect stock in the fields on either side thereof.

SECOND. That said railroad company shall put in and keep in order a water gate at the point where the wagon road now being used and maintained across said reservation will cross said spur when constructed, in order to allow the water to escape, and also to keep the salt water from coming in during high tide.

THIRD. That said railroad company shall construct and maintain gates in its right-of-way fences at the point where said wagon road crosses the right-of-way herein granted for said spur, and construct and maintain a wagon-road crossing between said gates.

FOURTH. That said railroad company shall pay the Indians for the right-of-way so taken for said spur such sum, not less than one thousand five hundred dollars per acre, as may be determined by the Secretary of the Interior to be right and proper; and that it shall be the duty of the Secretary of the Interior, within thirty days after the approval of this act, to prescribe the time and manner for the payment thereof.

Approved February 20, 1893.

Act of March 3, 1893, C. 209, 27 Stat. 612, 631

An act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June thirtieth, eighteen hundred and ninety-four

* * * * *

That the agreement entered into by Robert S. Gardner, United States Indian inspector, on the part of the United States, duly appointed by the Secretary of the Interior in that behalf, of the one part, and the head chief, chiefs, headmen, and delegates of the Yakima and other confederated tribes and bands of Indians, residing on the Yakima Indian reservation, in the State of Washington, of the other part, bearing date the thirteenth day of January, in the year of our Lord one thousand eight hundred and eighty-five, and now on file in the office of the Commissioner of Indian Affairs, is hereby accepted, ratified, and confirmed: *Provided*, That the Northern Pacific Railroad Company, its successors or assigns shall, within sixty days from the taking of effect of this act, pay to the Treasurer of the United States the sum of eight thousand two hundred and ninety-five dollars and eighty cents for the use and benefit of said Yakima and other confederated tribes and bands of Indians residing on the Yakima Reservation, in the State of Washington, five thousand three hundred and nine dollars whereof shall be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct, and the balance, or two thousand nine hundred and eighty-six dollars and

eighty cents, shall be expended for the benefit of such individual Indians, or their heirs, or paid to them in cash, in the proportion to which they may severally be entitled, as appears on the schedule E attached to said agreement, as the Secretary of the Interior may direct.

* * * * *

Act of February 26, 1895, C. 131, 28 Stat. 683

An Act To provide for the examination and classification of certain mineral lands in the States of Montana and Idaho

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed, as speedily as practicable, to cause all lands within the land districts hereinafter named in the States of Montana and Idaho within the land grant and indemnity land grant limits of the Northern Pacific Railroad Company, as defined by an Act of Congress entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July second, eighteen hundred and sixty-four, and Acts supplemental to and amendatory thereof, to be examined and classified by commissioners to be appointed as hereinafter provided, with special reference to the mineral or nonmineral character of such lands, and to reject, cancel, and disallow any and all claims or filings heretofore made, or which may hereafter be made, by or on behalf of the said Northern Pacific Railroad Company on any lands in said land districts which upon examination shall be classified as provided in this Act as mineral lands.

SEC. 2. That for the purpose of making the examination herein provided for there shall be appointed by the President of the United States, as

soon as practicable after the passage of this Act, three commissioners for each of the following land districts, to wit: The Bozeman, Helena, and Missoula land districts, in the State of Montana, and the Coeur d'Alene land district, in the State of Idaho, at least one of whom for each district shall be a practical miner and a resident of such district; and said persons so appointed for each district shall constitute a board of commissioners to perform within such district the duties herein prescribed. They shall each receive for their compensation ten dollars for each day they may be actually engaged in the performance of their duties, which shall include their transportation and subsistence expenses, but the total amount of compensation to be paid to each commissioner annually shall in no case exceed the sum of twenty-five hundred dollars; and their accounts shall be audited by the Secretary of the Interior and paid monthly. Before entering upon their duties each of said commissioners shall take an oath to faithfully perform the duties of his office. Said commissioners shall make examination of the lands herein mentioned within their respective districts, and may also take the testimony of witnesses as to the mineral or nonmineral character of any of said lands, and receive any other evidence relating to said matter, and shall have power to summon witnesses to appear before them, and to administer oaths; and they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned within their respective districts, as provided in this Act, and shall fully complete said classification within the term of four years from the date of this Act. The oath of office of said commissioners shall be filed by them in the

office of the Commissioner of the General Land Office. All testimony taken by said commissioners shall be reduced to writing, subscribed by the witnesses, and filed with the report of the commissioners hereinafter required. The action or decision of a majority of said commissioners in each district shall control in all matters herein provided for. That the commissioners shall perform the work of examination and classification herein directed according to such rules and regulations as the Secretary of the Interior shall prescribe.

SEC. 3. That all said lands shall be classified as mineral which by reason of valuable mineral deposits are open to exploration, occupation, and purchase under the provisions of the United States mining laws, and the commissioners in making the classification hereinafter provided for shall take into consideration the mineral discovered or developed on or adjacent to such land, and the geological formation of all lands to be examined and classified, or the lands adjacent thereto, and the reasonable probabilities of such land containing valuable mineral deposits because of its said formation, location, or character. The classification herein provided for shall be by each legal subdivision where the lands have been surveyed. If the lands examined are not surveyed, classification shall be made by tracts of such extent, and designated by such natural or artificial boundaries to identify them, as the commissioners may determine. Where mining locations have been heretofore made or patents issued for mining ground in any section of land, this shall be taken as prima facie evidence that the forty-acre subdivision within which it is located is mineral land: *Provided,* That the word "mineral,"

where it occurs in this Act, shall not be held to include iron or coal: *And provided further*, That the examination and classification of lands hereby authorized shall be made without reference or regard to any previous examination or report or classification thereof.

SEC. 4. That such of the lands herein mentioned as have been surveyed prior to the passage of this Act shall be first examined and classified as herein provided, and afterwards, and as speedily as practicable, the lands herein mentioned which have not been surveyed, until all the lands herein mentioned shall have been examined and classified, as herein provided.

SEC. 5. That said commissioners shall, on or before the fifth day of each month, file in the office of the register and receiver of the land office of the land district in which the land examined and classified is situated a full report, in duplicate, in such form as the Secretary of the Interior may prescribe, showing all lands examined by them during the preceding month, and specifying clearly, by legal subdivisions, where the land is surveyed, or otherwise by natural objects or permanent monuments to identify the same, the lands classified by them as mineral lands and those classified as nonmineral; and with said report shall be filed all testimony taken and written communications received by said commissioners relating to the lands embraced in the report. The register and receiver shall file one duplicate of said report in their office, together with all accompanying testimony and papers, and the other duplicate shall be by them forwarded direct to the Secretary of the Interior, and said commissioners shall furnish to the Secretary of the In-

terior at any time such further or additional report or information as he may require concerning any matters relating to their duties or the performance of the same. Upon receipt of such report the register of the land office shall, at the expense of the United States, cause to be published in a newspaper of general circulation in the county in which the land is located, and in one newspaper published at the capital city of the State in which the lands may be situated, at least once a week for four consecutive weeks, notice of the classification of lands as shown by said report, and any person, corporation, or company feeling aggrieved by such classification may, at any time within sixty days after the first publication of said notice, file with the register and receiver of the land office a verified protest against the acceptance of said classification, which protest shall set forth in concise language the grounds of objection to the classification as to the particular land in said protest described, whereupon a hearing shall be ordered by, and conducted before, the said register and receiver, under rules and regulations as near as practicable in conformity with the rules and practice of such land office in contests involving the mineral or nonmineral character of land in other cases; and an appeal from the decision of the register and receiver shall be allowed to the Commissioner of the General Land Office and the Secretary of the Interior, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at such hearings the United States shall be represented and defended by the United States district attorney or his assistants for the judicial district in which the land is situated, unless the Secretary

of the Interior shall detail some proper officer of the Department of the Interior for that purpose. The compensation for such service shall not exceed ten dollars per day for each day's actual service before the register and receiver, to be paid out of the fund provided for the examination and classification of said mineral lands.

SEC. 6. That as to the lands against the classification whereof no protest shall have been filed as hereinbefore provided, the classification, when approved by the Secretary of the Interior, shall be considered final, except in case of fraud, and all plats and records of the local and general land offices shall be made to conform to such classification. All lands so classified as above without protest, and the classification whereof is disapproved by the Secretary of the Interior, and all lands whereof the classification has been invalidated for fraud, shall be subject to hearing and determination in such manner as the Secretary of the Interior may prescribe. And as to all such lands, and as to the lands against the classification whereof protests may be filed, the final ruling made after the day set for hearing shall determine the proper classification; and all records of the local and general land offices shall be made to conform to the classification as determined by such final ruling, and all costs of such hearings shall be paid by the unsuccessful party, under such rules as the Secretary of the Interior may prescribe; and the Secretary of the Interior is hereby authorized to establish such rules and regulations as may be necessary to carry into effect the true intent and provisions of this Act as speedily as practicable.

SEC. 7. That no patent or other evidence of title shall be issued or delivered to said Northern Pa-

cific Railroad Company for any land in said land districts until such land shall have been examined and classified as nonmineral, as provided for in this Act, and such patent or other evidence of title shall only issue then to such land, if any, in said land districts as said company may be, by law and compliance therewith and by the said classification, entitled to, and any patent, certificate, or record of selection, or other evidence of title or right to possession of any land in said land districts, issued, entered, or delivered to said Northern Pacific Railroad Company in violation of the provisions of this Act shall be void: *Provided,* That nothing contained in this Act shall be taken or construed as recognizing or confirming any grant of land or the right to any land in the said Northern Pacific Railroad Company, or as waiving or in anywise affecting any right on the part of the United States against the said Northern Pacific Railroad Company to claim a forfeiture of any land grant heretofore made to said company.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty thousand dollars, or so much thereof as may be necessary, to be expended to carry into effect the provisions of this Act, the same to be paid out upon the order of the Secretary of the Interior; and the Secretary of the Interior is hereby required to embrace in the annual estimates submitted to Congress for appropriations for the Interior Department a sufficient sum to pay the said commissioners for the fiscal year next ensuing, and annually thereafter until the classification of lands required by this Act has been fully accomplished.

Approved February 26, 1895.

Act of February 26, 1896, C. 33, 29 Stat. 17, 22

An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for prior years, and for other purposes

* * * * *

CLASSIFICATION OF CERTAIN MINERAL LANDS IN MONTANA AND IDAHO: For compensation of the twelve commissioners appointed under the Act of February twenty-sixth, eighteen hundred and ninety-five, to examine and classify certain lands within the land grant and indemnity land grant limits of the Northern Pacific Railroad Company, in the States of Montana and Idaho, with special reference to the mineral or nonmineral character of such lands, thirteen thousand five hundred dollars.

For publication of the monthly reports filed by said commissioners in the office of the register and receiver of the Bozeman, Helena, and Missoula land districts, in the State of Montana and the Coeur d'Alene land district, in the State of Idaho; and for the expenses pertaining to hearings ordered by and conducted before said registers and receivers, six thousand dollars;

For the payment of stenographers employed by said commissioners when authorized by the Commissioner of the General Land Office, for the purpose of reducing testimony to writing in cases where it is found necessary to examine witnesses in order to establish the character of lands examined by said commissioners, five hundred dollars; in all, twenty thousand dollars.

* * * * *

Act of June 3, 1896, C. 316, 29 Stat. 245

An Act For the relief of settlers on the Northern Pacific Railroad indemnity lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those persons, their heirs, or legal representatives, who, between the fifteenth day of August, anno Domini eighteen hundred and eighty-seven, and the first day of January, anno Domini eighteen hundred and eighty-nine, settled upon and made final proof and entry, under the homestead or preemption laws, of lands within the so-called second indemnity belt of the Northern Pacific Railway Company's grant in the State of Minnesota, which entries were afterwards, without their fault, canceled, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as may be prescribed by the Secretary of the Interior, shall be allowed to make final homestead entry, and receive a patent therefor, of a quantity of land of any of the unappropriated public lands of the United States subject to homestead entry, equal in acreage to the land proved up and entered in the said second indemnity belt, as aforesaid, without being required to make any settlement or improvement upon or cultivation of such land so entered prior to such entry; and those persons, their heirs or legal representatives, who, within the period aforesaid for the space of six months settled upon, improved, and cultivated any of said indemnity lands with a view

of entering the same under the homestead or p
emption laws, being competent to make such
tries, and who were not permitted to make su
entries, upon establishing these facts before
register and receiver of the local land office, in su
mode and under such rules as the Secretary of
Interior may prescribe, shall be allowed to en
under the homestead laws of the United State
quantity of land of the unappropriated public lan
of the United States, subject to homestead ent
equal in amount to the land settled upon, improv
and cultivated, as aforesaid, and under the hon
stead entry so made, shall, when making proof a
final entry, receive credit for the settlement, i
provement, and cultivation made upon the sa
indemnity land as aforesaid: *Provided,* That
law in force in eighteen hundred and eighty-ni
governing the commutation of homestead entr
shall apply to the commutation of entries und
this section.

SEC. 2. That those who are entitled to make
homestead entries prescribed in the preceding s
tion may make such entries of any of the agric
tural lands embraced in the provisions of an A
entitled "An Act for the relief and civilization
the Chippewa Indians in the State of Minnesot
approved January fourteenth, eighteen hundr
and eighty-nine, upon condition of paying for su
lands the price prescribed in said Act.

SEC. 3. That the right of homestead entry co
ferred by the provisions of this Act shall not
assignable, and no conveyance, sale, or transfer
the land so entered shall be valid or of any effect
made before patent has issued.

Approved June 3, 1896.

Act of June 11, 1896, C. 420, 29 Stat. 413, 436

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes

* * * * * *

MINERAL LANDS IN MONTANA AND IDAHO

For compensation of the twelve commissioners appointed under the Act of February twenty-sixth, eighteen hundred and ninety-five, to examine and classify certain lands within the land-grant and indemnity land-grant limits of the Northern Pacific Railroad Company, in the States of Montana and Idaho, with special reference to the mineral or nonmineral character of such lands, twenty-five thousand dollars: *Provided,* That said commissioners shall be paid at the rate of ten dollars a day each while actually engaged in the performance of their duties, which amount shall include their transportation and subsistence expenses, and that the total amount of compensation to be paid to each commissioner annually shall in no case exceed the sum of two thousand five hundred dollars;

For publication of the monthly reports filed by said commissioners in the office of the register and receiver of the Bozeman, Helena, and Missoula land districts, in the State of Montana, and the Coeur d'Alene land district, in the State of Idaho; and for the expenses pertaining to hearings ordered by, and conducted before, said registers and receivers, ten thousand dollars;

For the payment of stenographers employed by said commissioners when authorized by the Commissioner of the General Land Office, for the purpose of reducing testimony to writing in cases where it is found necessary to examine witnesses in order to establish the character of lands examined by said commissioners, one thousand dollars; in all, thirty-six thousand dollars.

* * * * *

Act of June 4, 1897, C. 2, 30 Stat. 11, 34

An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes

* * * * *

For the survey of the public lands that have been or may hereafter be designated as forest reserves by Executive proclamation, under section twenty-four of the Act of Congress approved M[illegible] third, eighteen hundred and ninety-one, entitled "An Act to repeal timber-culture laws, and for other purposes," and including public lands adjacent thereto, which may be designated for survey by the Secretary of the Interior, one hundred and fifty thousand dollars, to be immediately available: *Provided,* That, to remove any doubt which may exist pertaining to the authority of the President thereunto, the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests: *Provided,* That the Executive orders and proclamations dated February twenty-second, eighteen hundred and ninety-seven, setting apart and reserving certain lands in the States of Wyoming, Utah, Montana, Washington, Idaho, and South Dakota as forest reservations, be, and they are hereby, suspended, and the lands embraced therein restored to the public domain the same as though said

orders and proclamations had not been issued: *Provided further,* That lands embraced in such reservations not otherwise disposed of before March first, eighteen hundred and ninety-eight, shall again become subject to the operations of said orders and proclamations as now existing or hereafter modified by the President.

* * * * *

Act of July 1, 1898, c. 546, 30 Stat. 597, 620

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes

* * * * *

That where, prior to January first, eighteen hundred and ninety-eight, the whole or any part of an odd-numbered section, in either the granted or the indemnity limits of the land grant to the Northern Pacific Railroad Company, to which the right of the grantee or its lawful successor is claimed to have attached by definite location or selection, has been purchased directly from the United States or settled upon or claimed in good faith by any qualified settler under color of title or claim of right under any law of the United States or any ruling of the Interior Department, and where purchaser, settler, or claimant refuses to transfer his entry as hereinafter provided, the railroad grantee or its successor in interest, upon a proper relinquishment thereof, shall be entitled to select in lieu of the land relinquished an equal quantity of public lands, surveyed or unsurveyed, not mineral or reserved, and not valuable for stone, iron, or coal, and free from valid adverse claim or not occupied by settlers at the time of such selection, situated within any State or Territory into which such railroad grant extends, and patents shall issue for the land so selected as though it had been originally granted; but all selections of unsurveyed lands shall be of odd-numbered sections, to be identified by the survey when made, and patent therefor shall issue to and in the name of the

corporation surrendering the lands before mentioned, and such patents shall not issue until after the survey: *Provided, however,* That the Secretary of the Interior shall from time to time ascertain and, as soon as conveniently may be done, cause to be prepared and delivered to the said railroad grantee or its successor in interest a list or lists of the several tracts which have been purchased or settled upon or occupied as aforesaid, and are now claimed by said purchasers or occupants, their heirs, or assigns, according to the smallest Government subdivisions. And all right, title, and interest of the said railroad grantee or its successor in interest in and to any of such tracts, which the said railroad grantee or its successor in interest may relinquish hereunder shall revert to the United States, and such tracts shall be treated, under the laws thereof, in the same manner as if no rights thereto had ever vested in the said railroad grantee, and all qualified persons who have occupied and may be on said lands as herein provided, or who have purchased said lands in good faith as aforesaid, their heirs and assigns, shall be permitted to prove their titles to said lands according to law, as if said grant had never been made; and upon such relinquishment said Northern Pacific Railroad Company or its lawful successor in interest may proceed to select, in the manner hereinbefore provided, lands in lieu of those reliquished, and patents shall issue therefor: *Provided further,* That the railroad grantee or its successor in interest shall accept the said list or lists so to be made by the Secretary of the Interior as conclusive with respect to the particular lands to be relinquished by it, but it shall not be bound to relinquish lands sold or

contracted by it or lands which it uses or needs for railroad purposes, or lands valuable for stone, iron, or coal: *And provided further,* That whenever any qualified settler shall in good faith make settlement in pursuance of existing law upon any odd-numbered sections of unsurveyed public lands within the said railroad grant to which the right of such railroad grantee or its successor in interest has attached, then upon proof thereof satisfactory to the Secretary of the Interior, and a due relinquishment of the prior railroad right, other lands may be selected in lieu thereof by said railroad grantee or its successor in interest, as hereinbefore provided, and patents shall issue therefor: *And provided further,* That nothing herein contained shall be construed as intended or having the effect to recognize the Northern Pacific Railway Company as the lawful successor of the Northern Pacific Railroad Company in the ownership of the lands granted by the United States to the Northern Pacific Railroad Company, under and by virtue of foreclosure proceedings against said Northern Pacific Railroad Company in the courts of the United States, but the legal question whether the said Northern Pacific Railway Company is such lawful successor of the said Northern Pacific Railroad Company, should the question be raised, shall be determined wholly without reference to the provisions of this Act, and nothing in this Act shall be construed as enlarging the quantity of land which the said Northern Pacific Railroad Company is entitled to under laws heretofore enacted: *And provided further,* That all qualified settlers, their heirs or assigns, who, prior to January first, eighteen hundred and ninety-eight, purchased or settled

upon or claimed in good faith, under color of t
or claim of right under any law of the Un
States or any ruling of the Interior Departm
any part of an odd-numbered section in either
granted or indemnity limits of the land grant
the Northern Pacific Railroad Company to wh
the right of such grantee or its lawful successo
claimed to have attached by definite location
selection, may in lieu thereof transfer their cla
to an equal quantity of public lands surveyed
unsurveyed, not mineral or reserved, and not va
able for stone, iron, or coal, and free from va
adverse claim, or not occupied by a settler at
time of such entry, situated in any State or Ter
tory into which such railroad grant extends, a
make proof therefor as in other cases provided; a
in making such proof, credit shall be given for
period of their bona fide residence and amount
their improvements upon their respective claims
the said granted or indemnity limits of the la
grant to the said Northern Pacific Railroad Co
pany the same as if made upon the tract to wh
the transfer is made; and before the Secretary
the Interior shall cause to be prepared and del
ered to said railroad grantee or its successor in
terest any list or lists of the several tracts wh
have been purchased or settled upon or occupied
hereinbefore provided, he shall notify the pu
chaser, settler, or claimant, his heirs or assig
claiming against said railroad company, of
right to transfer his entry or claim, as herein p
vided, and shall give him or them option to take li
lands for those claimed by him or them or hold
claim and allow the said railroad company to do
under the terms of this Act.

Act of March 2, 1899, c. 377, 30 Stat. 993

An Act To set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Mount Rainier National Park

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all those certain tracts, pieces, or parcels of land lying and being in the State of Washington, and within the boundaries particularly described as follows, to wit: Beginning at a point three miles east of the northeast corner of township numbered seventeen north, of range six east of the Willamette meridian; thence south through the central parts of townships numbered seventeen, sixteen, and fifteen north, of range seven east of the Willamette meridian, eighteen miles more or less, subject to the proper easterly or westerly offsets, to a point three miles east of the northeast corner of township numbered fourteen north, of range six east of the Willamette meridian; thence east on the township line between townships numbered fourteen and fifteen north, eighteen miles more or less to a point three miles west of the northeast corner of township fourteen north, of range ten east of the Willamette meridian; thence northerly subject to the proper easterly or westerly offsets, eighteen miles more or less, to a point three miles west of the northeast corner of township numbered seventeen north, of range ten east of the Willamette meridian (but in locating said easterly boundary, wherever the summit of the

Cascade Mountains is sharply and well defined, the said line shall follow the said summit, where the said summit line bears west of the easterly line as herein determined); thence westerly along the township line between said townships numbered seventeen and eighteen to the place of beginning, the same being a portion of the lands which were reserved from entry or settlement and set aside as a public reservation by proclamation of the President on the twentieth day of February, in the year of our Lord eighteen hundred and ninety-three, and of the Independence of the United States the one hundred and seventeenth, are hereby dedicated and set apart as a public park, to be known and designated as the Mount Rainier National Park, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that

may be derived from any source connected with said park, to be expended under his direction in the management of the same, and the construction of roads and bridle paths therein. And through the lands of the Pacific Forest Reserve adjoining said park rights of way are hereby granted, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies, through the lands of said Pacific Forest Reserve, and also into said park hereby created, for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, through said lands, also into said park. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purpose of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this Act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this Act.

SEC. 3. That upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and conveying to the United States the lands in the reservation hereby created, also the lands in the Pacific Forest Reserve which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is hereby authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral

at the time of actual Government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States: *Provided,* That any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof, to the same extent and under the same limitations and conditions as are provided by law for forest reserves and national parks.

SEC. 4. That upon the filing by the said railroad company at the local land office of the land district in which any tract of land selected and the payment of the fees prescribed by law in analogous cases, and the approval of the Secretary of the Interior, he shall cause to be executed, in due form of law, and deliver to said company, a patent of the United States conveying to it the lands so selected. In case the tract so selected shall at the time of selection be unsurveyed, the list filed by the company at the local land office shall describe such tract in such manner as to designate the same with a reasonable degree of certainty; and within the period of three months after the lands including such tract shall have been surveyed and the plats thereof filed by said local land office, a new selection list shall be filed by said company, describing such tract according to such survey; and in case such tract, as originally selected and described in the list filed in the local land office, shall not precisely conform with

the lines of the official survey, the said company shall be permitted to describe such tract anew, so as to secure such conformity.

SEC. 5. That the mineral land laws of the United States are hereby extended to the lands lying within the said reserve and said park.

Approved March 2, 1899.

Act of March 2, 1901, c. 807, 31 Stat. 950

An Act For the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of July first, eighteen hundred and ninety-eight, appearing in thirtieth Statutes at Large, at pages six hundred and twenty, six hundred and twenty-one, and six hundred and twenty-two, providing a plan for the adjustment by the Land Department of conflicting claims to lands within the limits of the grant to the Northern Pacific Railroad Company, are hereby extended and made applicable to all instances where lands in odd-numbered sections within the indemnity limits of the grant to said company were patented to settlers under the public-land laws in pursuance of applications presented to or proceedings initiated in, the local land office at a time when the land was embraced in a pending indemnity selection made by said company in conformity with the regulations of the Land Department, which indemnity selection has not since been waived or abandoned.

Approved March 2, 1901.

Act of April 28, 1904, c. 1782, 33 Stat. 538

An Act Validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all conveyances heretofore made by the Northern Pacific Railroad Company or by the Northern Pacific Railway Company, of land forming a part of the right of way of the Northern Pacific Railroad, granted by the Government by any Act of Congress, are hereby legalized, validated, and confirmed:

Provided, That no such conveyance shall have effect to diminish said right-of-way to a less width than one hundred feet on each side of the center of the main track of the railroad as now established and maintained.

SEC. 2. That this Act shall have no validating force until the Northern Pacific Railway Company shall file with the Secretary of the Interior an instrument in writing, accepting its terms and provisions.

Approved April 28, 1904.

Act of March 3, 1905, c. 1449, 33 Stat. 1014

An Act Validating certain conveyances of the Northern Pacific Railroad Company and the Northern Pacific Railway Company

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all conveyances heretofore made by the Northern Pacific Railroad Company, or by the Northern Pacific Railway Company, of lots one, two, three, four, five, six, and seven, in block six, and lots eighteen and nineteen in block five in the first addition to the third addition to railroad addition, in the city of Spokane, State of Washington, are hereby legalized, validated, and confirmed, said lands forming a part of the right of way heretofore granted by Act of Congress to the Northern Pacific Railroad Company.

Approved March 3, 1905.

Act of May 17, 1906, c. 2470, 34 Stat. 197

n Act For the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of uly first, eighteen hundred and ninety-eight (Thirieth Statutes, pages five hundred and ninety-seven nd six hundred and twenty), which provided for he adjustment by the Land Department of conflictng claims to lands within the limits of the grant o the Northern Pacific Railroad Company, and lso the provisions of the Act of March second, ineteen hundred and one, entitled "An Act for he relief of settlers under the public land laws to ands within the indemnity limits of the grant to he Northern Pacific Railroad Company," be, and hey hereby are, extended to include any bona fide ettlement or entry made subsequent to January rst, eighteen hundred and ninety-eight, and prior o May thirty-first, nineteen hundred and five, in ccordance with the erroneous decision of the Land Department respecting the withdrawal on general oute of the Northern Pacific Railroad between Vallula, Washington, and Portland, Oregon, where he same has not since been abandoned: *Provided,* hat all lieu selections made under this Act shall e confined to lands within the State where the rivate holdings are situated.

SEC. 2. That this Act shall become effective upon an acceptance thereof by the Northern Pacific Railway Company being filed with the Secretary of the Interior.

Approved May 17, 1906.

t of June 25, 1910, c. 384, 36 Stat. 703, 739

Making appropriations for sundry civil expenses of the Gov-ent for the fiscal year ending June thirtieth, nineteen hundred leven, and for other purposes

* * * *

predations on public timber, protecting public , and settlement of claims for swamp land and p-land indemnity: To meet the expenses of cting timber on the public lands, and for the efficient execution of the law and rules relat-o the cutting thereof; of protecting public from illegal and fraudulent entry or appro-ion, and of adjusting claims for swamp lands, ndemnity for swamp lands, seven hundred and thousand dollars, to be immediately available, hich sum five hundred thousand dollars is for urpose of bringing up the work of the General Office hereunder so as to make the same cur-and not exceeding thirty thousand dollars to e the Commissioner of the General Land to complete the examination and classifica-of lands within the limits of the Northern ic grant under the Act of July second, een hundred and sixty-four, as provided in Act of February twenty-sixth, eighteen hun-and ninety-five, such examination and classifi-n when approved by the Secretary of the ior to have the same force and effect as a fication by the mineral land commissioners ded for in said Act of February twenty-sixth,

eighteen hundred and ninety-five, and not exceeding twenty-five thousand dollars additional for expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, and not exceeding twenty-five thousand dollars additional for clerk hire, rent, and other incidental expenses of district land offices: *Provided,* That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each and actual necessary expenses for transportation, including necessary sleeping-car fares, except when agents are employed in the District of Alaska they may be allowed not exceeding six dollars per day each, in lieu of subsistence.

* * * * *

Act of March 4, 1911, c. 240, 36 Stat. 1289, 1307

An Act Making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and eleven and for prior years, and for other purposes

* * * * * *

To enable the Commissioner of the General Land Office to complete the examination and classification of lands within the limits of the Northern Pacific grant under the Act of July second, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and sixty-five), as provided in the Act of February twenty-sixth, eighteen hundred and ninety-five (Twenty-eighth Statutes, page six hundred and eighty-three), such examination and classification when approved by the Secretary of the Interior to have the same force and effect as a classification by the mineral land commissioners provided for in said Act of February twenty-sixth, eighteen hundred and ninety-five, the sum of ten thousand dollars is hereby appropriated in addition to the sum of thirty thousand dollars provided in the sundry civil Act approved June twenty-fifth, nineteen hundred and ten, and included in the appropriation of seven hundred and fifty thousand dollars for "Protecting public lands, timber, and so forth, nineteen hundred and ten and nineteen hundred and eleven." The said additional appropriation of ten thousand dollars, together with the unexpended balance of the thirty thousand dollars for the years nineteen hundred and ten and nineteen hundred and eleven, to con-

tinue available for expenditure during the fiscal year ending June thirtieth, nineteen hundred and twelve: *Provided,* That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe in lieu of subsistence, at a rate not exceeding three dollars per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Act of August 26, 1912, c. 408, 37 Stat. 595, 609

An Act Making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and twelve and for prior years, and for other purposes

* * * * * *

To enable the Commissioner of the General Land Office to complete the examination and classification of lands within the limits of the Northern Pacific grant under the act of July second, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and sixty-five), as provided in the Act of February twenty-sixth, eighteen hundred and ninety-five (Twenty-eighth Statutes, page six hundred and eighty-three), such examination and classification when approved by the Secretary of the Interior to have the same force and effect as a classification by the mineral-land commissioners provided for in said Act of February twenty-sixth, eighteen hundred and ninety-five, the unexpended balance, not exceeding $4,500, of the appropriation of $10,000 for the fiscal years of nineteen hundred and eleven and nineteen hundred and twelve, provided in the deficiency Act approved March fourth, nineteen hundred and eleven, is hereby continued and made available for expenditure in the examination and classification of said lands during the fiscal year ending June thirtieth, nineteen hundred and thirteen.

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Act of October 22, 1913, C. 32, 38 Stat. 208, 217

An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for other purposes

* * * * *

The unexpended balance on June thirtieth, nineteen hundred and thirteen, remaining to the credit of the appropriation of $4,500 contained in the deficiency appropriation Act approved August twenty-sixth, nineteen hundred and twelve, for the completion during the fiscal year of nineteen hundred and thirteen, of the examination and classification of lands within the limits of the Northern Pacific grant under the Act of July second, eighteen hundred and sixty-four (Thirteenth Statutes, three hundred and sixty-five), is continued and made available to meet the expenses pertaining to such examinations and classifications as may be incurred during the fiscal year ending June thirtieth, nineteen hundred and fourteen.

* * * * *

Act of July 29, 1914, c. 215, 38 Stat. 559, 571

An Act Making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and fourteen and for prior years, and for other purposes

* * * * *

The unexpended balance on June thirtieth, nineteen hundred and fourteen, remaining to the credit of the appropriation of $3,525.87 authorized in the deficiency appropriation Act approved October twenty-second, nineteen hundred and thirteen, for the completion during the fiscal year nineteen hundred and fourteen of the examination and classification of lands within the limits of the Northern Pacific grant under the act of July second, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and sixty-five), is continued and made available to meet the expenses pertaining to such examinations and classifications as may be incurred during the fiscal year nineteen hundred and fifteen.

* * * * *

Act of March 4, 1915, c. 147, 38 Stat. 1138, 1148

An Act Making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and fifteen and for prior years, and for other purposes

* * * * * * *

The unexpended balance on June thirtieth, nineteen hundred and fifteen, remaining to the credit of the appropriation of $3,125.95 authorized in the deficiency appropriation Act approved July twenty ninth, nineteen hundred and fourteen, for the completion during the fiscal year nineteen hundred and fifteen of the examination and classification of lands within the limits of the Northern Pacific grant under the Act of July second, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and sixty-five), is continued and made available to meet the expenses pertaining to such examination and classification as may be incurred during the fiscal year nineteen hundred and sixteen.

* * * * * * *

Act of September 8, 1916, c. 464, 39 Stat. 801, 817

An Act Making appropriations to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and prior fiscal years, and for other purposes

* * * * *

The unexpended balance on June thirtieth, nineteen hundred and sixteen, remaining to the credit of the appropriation of $2,590.11 authorized in the deficiency appropriation Act approved March fourth, nineteen hundred and fifteen, for the completion during the fiscal year nineteen hundred and sixteen of the examination and classification of lands within the limits of the Northern Pacific grant under the Act of July second, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and sixty-five), is made available during the fiscal year nineteen hundred and seventeen to meet the expenses pertaining to such examination and classification as may be incurred after June thirtieth, nineteen hundred and sixteen.

* * * * *

Act of February 27, 1917, c. 135, 39 Stat. 946

An Act For the relief of settlers on unsurveyed railroad lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where, prior to July first, nineteen hundred and thirteen, the whole or any part of an odd-numbered section within the primary limits of the land grant to the Northern Pacific Railway Company, within the State of Washington, to which the right of the grantee or its lawful successor is claimed to have attached by definite location, has been settled upon in good faith while unsurveyed, by any qualified settler, the same shall be subject to all the provisions of the Act of July first, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, pages six hundred and twenty to six hundred and twenty-two), relating to lands in said primary limits so settled upon prior to January first, eighteen hundred and ninety-eight, and said Act is hereby amended accordingly: *Provided,* That upon the relinquishment by said railway company of any of the lands so settled upon the selection of any lieu lands of approximately equal value by said company shall be confined to the State of Washington.

Approved February 27, 1917.

Act of April 17, 1917, C. 3, 40 Stat. 2, 18

An Act Making appropriations to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and prior fiscal years, and for other purposes

* * * * *

The unexpended balance on June thirtieth, nineteen hundred and seventeen, remaining to the credit of the appropriation of $2,055.67, authorized in the deficiency appropriation Act approved September eighth, nineteen hundred and sixteen, for the completion during the fiscal year nineteen hundred and seventeen of the examination and classification of lands within the limits of the Northern Pacific grant under the Act of July second, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and sixty-five), is made available until expended, to meet the expenses pertaining to such examination and classification as may be incurred after June thirtieth, nineteen hundred and seventeen.

* * * * *

Act of February 28, 1919, c. 72, 40 Stat. 1204

An Act For the relief of settlers on certain railroad lands in Montana

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the adjustment of the grants to the Northern Pacific Railroad Company, if any of the lands within the indemnity limits of said grants through that portion of the former reservation for the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Indians lying south of the Missouri River in the State of Montana be found in possession of an actual bona fide qualified settler under the homestead laws of the United States who has made substantial improvements thereon and such land has been adjudged by the Secretary of the Interior to inure to the Northern Pacific Railway Company under the grants made to its predecessor in interest, the Northern Pacific Railroad Company, the Northern Pacific Railway Company upon request of the Secretary of the Interior may file a relinquishment of said lands in favor of the settler and shall then be entitled to select an equal quantity of other lands in lieu thereof from any of the surveyed public lands within the State of Montana, not mineral and not otherwise appropriated at the date of selection, to which it shall receive title the same as though originally granted: *Provided, however,* That lands withdrawn or classified as coal lands may be selected by said company, and as to such lands it shall receive a restricted patent as provided by the Act of June twenty-second, nineteen hundred and ten.

Approved February 28, 1919.

Act of December 15, 1921, c. 5, 42 Stat. 1573

An Act For the relief of John Cestnik, junior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Pacific Railway Company, upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the south half of the southwest quarter, section eleven, township eight south, range twenty east, in the Bozeman, Montana, land district, under its mineral indemnity selection, list numbered one hundred forty-six, embracing said tract, shall be entitled to select and receive a patent for other vacant unreserved nonmineral public lands of an equal area in that State; and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of John Cestnik, junior, to remain intact as though said entry had been properly allowed, the same to remain subject to compliance with the laws governing entries of like character.

Approved December 15, 1921.

Act of September 20, 1922, c. 354, 42 Stat. 1710

An Act For the relief of Israel Butts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Pacific Railway Company, upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the northwest quarter of the southwest quarter, section eleven, township fifty-three north, range twenty-three west, fourth principal meridian, in the Duluth, Minnesota, land district, under its indemnity selection, list numbered five hundred and fifty-one, embracing said tract, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral public lands of an equal area situate within any State into which the company's grant extends; and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of Israel Butts to remain intact as though said entry had been properly allowed, accept the proof offered, and duly issue patent thereon.

Approved September 20, 1922.

Act of February 28, 1923, c. 166, 42 Stat. 1782

An Act for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Railway Company

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Pacific Railway Company, upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the north half northwest quarter, section fifteen, township eight south, range twenty east, in the Bozeman, Montana, land district, under its mineral indemnity selection, list numbered one hundred forty-six, embracing said tract, shall be entitled to select and receive a patent for other vacant unreserved nonmineral public lands of an equal area in that State and of approximately the same value, and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of Anton Rospotnik, to be reinstated as though said entry had been properly allowed, the same to remain subject to compliance with the laws governing entries of like character.

Approved February 28, 1923.

Joint Resolution of June 5, 1924, c. 267, 43 Stat. 461

Joint Resolution Directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed to withhold until March 4, 1926, his approval of the adjustment of the Northern Pacific land grants under the Act of July 2, 1864, and the joint resolution of May 31, 1870, and he is also hereby directed to withhold the issuance of any further patents and muniments of title under the said Act and the said resolution or any legislative enactments supplemental thereto or connected therewith, until after Congress shall have made a full and complete inquiry into the said land grants and the Acts supplemental thereto for the purpose of considering legislation to meet the respective rights of the Northern Pacific Railroad Company and its successors and the United States in the premises: *Provided,* That this Act shall not prevent the adjudication of any claims arising under the public land laws where the claimants are not seeking title through the grants to the Northern Pacific Railroad Company, or its successors, or any Acts in modification thereof, or supplemental thereto: *Provided further,* That the inhibition against the approval of said land grants and the issuance of patents and muniments of title thereunder shall

unless further extended terminate on March 4, 1926, unless on said date said land grants and the proceedings thereunder are being adjudicated at the direction of Congress in the courts, in which event the approval of said land grants and the issuance of patents and muniments of title shall await the final adjudication thereof.

SEC. 2. The Secretary of the Interior is hereby directed to advise Congress of the status of the said Northern Pacific land grants, recommending such action as he believes right and proper for the further adjustment thereof.

SEC. 3. That a joint committee of both Houses of Congress is hereby created to be composed of five Members of the Senate to be appointed by the President thereof, and five Members of the House of Representatives to be appointed by the Speaker of that body. Any vacancy occurring on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed to make a thorough and complete investigation of the land grants of the Northern Pacific Railroad Company, and its successor, the Northern Pacific Railway Company, under the Act of July 2, 1864 (Thirteenth Statutes, page 365), and the joint resolution of May 31, 1870 (Sixteenth Statutes, page 378), and any other Acts of Congress supplemental thereto or connected therewith, and the facts and the law pertaining thereto and arising therefrom, and to report to Congress its conclusions and recommendations based thereon. Said committee or any subcommittee thereof is hereby empowered to sit and act during the session or recess of Congress or of either

House thereof in the District of Columbia or elsewhere in the United States; to require by subpoena or otherwise the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath; to obtain documents, papers, and other information from the several departments of the Government or any bureau thereof; to employ stenographers to take and to make a record of all evidence taken and received by the committee and to keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed and suitably bound; and to employ such assistance as may be deemed necessary. The chairman of the committee or any member thereof may administer oaths to witnesses. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee or the chairman of any subcommittee thereof. And in case of disobedience to a subpoena this committee may invoke the aid of any court of the United States or of the District of Columbia within the jurisdiction of which any inquiry may be carried on by said committee in requiring the attendance and testimony of witnesses, and the production of books, papers, and documents under the provisions of this resolution. And any such court within the jurisdiction of which the inquiry under this resolution is being carried on may in case of contumacy or refusal to obey a subpoena issued on any person under authority of this resolution issue an order requiring such person to appear before said committee and produce books and papers, if so ordered, and give evidence touching the matter in question, and any failure to obey

such order of the court may be punished by such court as a contempt thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who having appeared refuses to answer any question pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than $1,000 and imprisonment for not more than one year.

The sum of $50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said joint committee, the sum to be disbursed by the secretary of the committee upon vouchers to be approved by the chairman of the committee.

Approved June 5, 1924.

Act of March 3, 1925, c. 517, 43 Stat. 1594

An Act For the relief of Lars O. Elstad and his assigns and the exchange of certain lands owned by the Northern Pacific Railway Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Pacific Railway Company, upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to lot 5, section 13, township 140 north, range 40 west, in the Crookston, Minnesota, land district, under its place grant, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral, surveyed public lands of an equal area within any of the States through which the Northern Pacific Railway Company's land grant extends.

Approved March 3, 1925.

Act of June 3, 1926, c. 459, 44 Stat. 690

An Act To provide for allotting in severalty lands within the Northern Cheyenne Indian Reservation in Montana, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northern Cheyenne Indian Reservation heretofore set apart by Executive order dated the 19th day of March 1900 for the permanent use and occupation of the Northern Cheyenne Indians in Montana, be, and the same is hereby, declared to be the property of said Indians, subject to such control and management of said property as the Congress of the United States may direct.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be prepared a complete roll containing the names of all said Northern Cheyenne Indians now living, for whom said reservation was set apart as aforesaid, which roll, when approved by him, shall be the basis for allotting the land on said reservation, as herein provided. The Secretary of the Interior shall also cause to be prepared, in such manner as he may deem advisable, a list of the lands of said Indian reservation and to classify the same as agricultural, grazing, and land chiefly valuable for the timber thereon. As soon as practicable after the approval of said tribal roll and after the approval of said list of lands classified as above provided, the Secretary of the Interior is hereby authorized to allot in sev-

eralty lands classified as agricultural and grazing to the duly enrolled Indians in areas not exceeding one hundred and sixty acres to any individual from the lands appearing on said approved list: *Provided,* That in allotting said lands each Indian shall be allotted a proportion of the agricultural and grazing lands, respectively, such lands whenever practicable and so far as possible to be contiguous: *Provided,* That trust patents shall be issued therefor of the form and legal effect authorized by the Act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388), as amended, and the lands so allotted and patented shall be designated in each case as a "homestead," which homestead shall remain inalienable and nontaxable for a period of twenty-five years from the date of issuance of patent therefor, or until the death of the allottee.

The right is hereby reserved to any Indian to select as his allotment a tract occupied by him at the time of the approval of this Act, though such lands or a part thereof may be classified as timber lands.

SEC. 3. That the timber, coal, or other minerals, including oil, gas, and other natural deposits, on said reservation are hereby reserved for the benefit of the tribe and may be leased with the consent of the Indian council under such rules and regulations as the Secretary of the Interior may prescribe: *Provided,* That at the expiration of fifty years from the date of the approval of this Act the coal or other minerals, including oil, gas, and other natural deposits, of said allotments shall become the property of the respective allottees or their heirs: *Provided further,* That the unallotted lands of said tribe of Indians shall be held in common, subject to the con-

trol and management thereof as Congress may deem expedient for the benefit of said Indians.

SEC. 4. That authority is hereby vested in the Secretary of the Interior to cause to be reserved so long as they are needed and used for the benefit of the Northern Cheyennes, suitable lands for the following purposes: For school, agency, and other administrative purposes, including not to exceed one thousand two hundred and eighty acres for the boarding school at Busby, Montana, and not to exceed one hundred and sixty acres for the Birney Day School, in all not exceeding two thousand seven hundred and eighty acres; for tribal cemeteries, where needed, not to exceed in all one hundred and sixty acres: *Provided,* That with the consent of the tribal council, lands may be reserved for religious and educational purposes, including parsonage, church, cemetery, and garden sites, not to exceed forty acres at any one point; for recreational purposes having an educational feature, not to exceed ten acres at any one point; for public-school purposes, not to exceed two and one-half acres at any one point: *Provided further,* That such tracts, excepting only the tribal cemeteries, shall remain reserved only so long as they are used for the purposes for which they are set apart: *And provided further,* That the organizations now engaged in educational and religious work on the reservation shall not be disturbed in their occupancy of the sites heretofore set apart under authority of the Secretary of the Interior so long as they continue to be used solely in the advancement of religious and welfare work for the benefit of the Northern Cheyenne Indians: *And provided fur-*

ther, That the Secretary of the Interior is hereby authorized to reserve and set aside for town-site purposes not more than eighty acres at Lame Deer, Montana, and not to exceed forty acres at some other suitable location, and to survey and plat said tracts in blocks, lots, streets, alleys, parks, and school sites: *Provided further,* That the area reserved for park and school sites shall not exceed ten acres in any one town site, and patent shall be issued for such lands to the municipality legally charged with the care and custody of the lands hereby set aside for such purposes. That such town sites shall be appraised and disposed of as provided in section 2381 of the Revised Statutes: *Provided further,* That all the income of said tribe from rents, royalties, or other profits accruing from the sale of any timber, coal, or other minerals, including oil, gas, and other natural deposits herein reserved for the benefit of the said Indians, including proceeds from sales of town lots, shall be deposited in the Treasury of the United States to the credit of the Northern Cheyenne Indians and be subject to expenditure for their benefit in such manner as Congress may direct. An area not exceeding sixty feet on either side of every section line within the said reservation is hereby dedicated as public highways whenever and so far as the same may be so declared by the county commissioners of the county in which the same may be situated, and all allotments and patents hereby authorized shall be subject to the easement hereby created. In addition to reservations heretofore herein authorized the Secretary of the Interior shall withhold from allotment any tracts in legal subdivisions in which

are springs or other like sources of water supply to which cattle have been accustomed to repair for drink, together with so much land contiguous thereto as may be necessary to permit access by stock to such water supply from the highways herein provided for.

SEC. 5. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $30,000, or so much thereof as may be necessary, to pay the expenses of making the tribal roll, of compiling the list of lands on said reservation, for the necessary surveys and classifications, and all other expenses in connection with the allotment work: *Provided,* That the sum of $2,500 shall be available for the payment of the expenses of the tribal Indian council in holding meetings on said reservation and for the expenses of delegates which such council may have heretofore sent, or may hereafter send, to the city of Washington on tribal business.

Approved June 3, 1926.

Act of June 25, 1929, C. 41, 46 Stat. 41

An Act To alter and amend an Act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific Coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Company, or the Northern Pacific Railway Company; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any and all lands within the indemnity limits of the land grants made by Congress to the Northern Pacific Railroad Company under the Act of July 2, 1864, and the resolution of May 31, 1870, which, on June 5, 1924, were embraced within the exterior boundaries of any national forest or other Government reservation and which, in the event of a deficiency in the said land grants to the Northern Pacific Railroad Company upon the dates of the withdrawals of the said indemnity lands for governmental purposes, would be, or were, available to the Northern Pacific Railroad Company or its successor, the Northern Pacific Railway Company, by indemnity selection or otherwise in satisfaction of such deficiency in said land grants, are hereby taken out of and removed from the operation of the said land grants, and are hereby retained by the United States as part and

parcel of the Government reservations wherein they are situate, relieved and freed from all claims, if any exist, which the Northern Pacific Railroad Company or its successor, the Northern Pacific Railway Company, may have to acquire the said lands by indemnity selection or otherwise in satisfaction of the said land grants: *Provided,* That for any or all of the aforesaid indemnity lands hereby retained by the United States under this Act the Northern Pacific Railroad Company or its successor, the Northern Pacific Railway Company, or any subsidiary of either or both, or any subsidiary of a subsidiary of either or both, shall be entitled to and shall receive compensation from the United States to the extent and in the amounts, if any, the courts hold that compensation is due from the United States.

SEC. 2. That all of the unsatisfied indemnity selection rights, if any exist, claimed by the Northern Pacific Railroad Company or its successor, the Northern Pacific Railway Company, or any subsidiary of either or both, or any subsidiary of a subsidiary of either or both, or by any grantee or assignee of either or both, together with all claims to additional lands under and by virtue of the land grants contained in the Act of July 2, 1864, and resolution of May 31, 1870, or any other Acts of Congress supplemental or relating thereto, are hereby declared forfeited to the United States.

SEC. 3. The rights reserved to the United States in the Act of July 2, 1864, to add to, alter, amend, or repeal said Act, and in the resolution of May 31, 1870, to alter or amend said resolution, are not to be considered as fully exercised, waived, or de-

stroyed by this Act or the exercise of the authority conferred hereby; and the passage of this Act shall not be construed as in anywise evidencing the purpose or intention of Congress to depart from the policy of the United States expressed in the resolution of May 31, 1870, relative to the disposition of granted lands by said grantee, and the right is hereby reserved to the United States to, at any time, enact further legislation relating thereto.

SEC. 4. The provisions of this Act shall not be construed as affecting the present title of the Northern Pacific Railroad Company or its successors, the Northern Pacific Railway Company, or any subsidiary of either or both, in the right-of-way of said road or lands actually used in good faith by the Northern Pacific Railway Company in the operation of said road.

SEC. 5. The Attorney General is hereby authorized and directed forthwith to institute and prosecute such suit, or suits, as may, in his judgment, be required to remove the cloud cast upon the title to lands belonging to the United States as a result of the claim of said companies, and to have all said controversies and disputes respecting the operation and effect of said grants, and actions taken under them, judicially determined, and a full accounting had between the United States and said companies, and a determination made of the extent, if any, to which the said companies, or either of them, may be entitled to have patented to them additional lands of the United States in satisfaction of said grants, and as to whether either of the said companies is lawfully entitled to all or any part of the lands within the indemnity limits for which patents have not issued, and the extent to which the United

States may be entitled to recover lands wrongfully patented or certified. In the judicial proceedings contemplated by this Act there shall be presented, and the court or courts shall consider, make findings relating to, and determine to what extent the terms, conditions, and covenants, expressed or implied, in said granting Acts have been performed by the United States, and by the Northern Pacific Railroad Company, or its successors, including the legal effect of the foreclosure of any and all mortgages which said Northern Pacific Railroad Company claims to have placed on said granted lands by virtue of authority conferred in the said resolution of May 31, 1870, and the extent to which said proceedings and foreclosures meet the requirements of said resolution with respect to the disposition of said granted lands, and relative to what lands, if any, have been wrongfully or erroneously patented or certified to said companies, or either of them, as the result of fraud, mistake of law or fact, or through legislative or administrative misapprehension as to the proper construction of said grants or Acts supplemental or relating thereto, or otherwise, and the United States and the Northern Pacific Railroad Company, or the Northern Pacific Railway Company, or any other proper person, shall be entitled to have heard and determined by the court all questions of law and fact, and all other claims and matters which may be germane to a full and complete adjudication of the respective rights of the United States and said companies, or their successors in interest under said Act of July 2, 1864, and said joint resolution of May 31, 1870, and in other Acts or resolutions supplemental thereto, and all other questions of law and fact

presented to the joint congressional committee appointed under authority of the joint resolution of Congress of June 5, 1924. (Forty-third Statutes, page 461), notwithstanding that such matters may not be specifically mentioned in this enactment.

SEC. 6. All lands received by the Northern Pacific Railroad Company or its successors, the Northern Pacific Railway Company, under said grants or Acts of Congress supplemental or relating thereto which have not been earned, but which have been, for any reason, erroneously credited or patented to either of said companies, or its, or their, successors, shall be fully accounted for by said companies, either by restitution of the land itself, where the said lands have not passed into the hands of innocent purchasers for value, or otherwise, in accordance with the findings and decrees of the courts. In fixing the amount, if any, the said companies are entitled to receive on account of the retention by the United States of indemnity lands within national forests and other Government reservations, as by this enactment provided, the court shall determine the full value of the interest which may be rightfully claimed by said companies, or either of them, in said lands under the terms of said grants, and shall determine what quantities in lands or values said companies have received in excess of the full amounts they were entitled to receive, either as a result of breaches of the terms, conditions, or covenants, either expressed or implied, of said granting Acts by said companies, or either of them, or through mistake of law or fact, or through misapprehension as to the proper construction of said grants, or as a result of fraud, or otherwise, and said excess lands and values, if any, shall be

charged against said companies in the judgments and decrees of said court. To carry out this enactment the court may render such judgments and decrees as law and equity may require.

SEC. 7. The suit, or suits, herein authorized shall be brought in a district court of the United States for some district within the States of Wisconsin, Minnesota, North Dakota, Montana, Idaho, Washington, or Oregon, and may be consolidated with any other actions now pending between the same parties in the same court involving the subject matter, and any such court shall in any such suit have jurisdiction to hear and determine all matters and things submitted to it in pursuance of the provisions of this Act, and in any such suit brought by the Attorney General hereunder any persons having an interest in or lien upon any lands included in the lands claimed by the United States, or by said companies, or any interest in the proceeds or avails thereof may be made parties. On filing the complaint in such cause, writs of subpoena may be issued by the court against any parties defendant, which writs shall run into any districts and shall be served, as any other like process, by the respective marshals of such districts. The judgment, or judgments, which may be rendered in said district court shall be subject to review on appeal by the United States circuit court of appeals for the circuit which includes the district in which the suit is brought, and the judgment, or judgments, of such United States circuit court of appeals shall be reviewable by the Supreme Court of the United States, as in other cases. Any case begun in accordance with this Act shall be expedited in every way, and be assigned for hearing at the earliest

practicable day in any court in which it may be pending. Congress shall be given a reasonable time, which shall be fixed by the court, within which it may enact such legislation and appropriate such sums of money as may be necessary to meet the requirements of any final judgment resulting by reason of the litigation herein provided for.

SEC. 8. It shall be the duty of the Attorney General to report to the Congress of the United States any final determinations rendered in such suit or proceedings, and the Attorney General, the Secretary of the Interior, and the Secretary of Agriculture shall thereafter submit to Congress recommendations for the enactment of such legislation, if any, as may be deemed by them to be desirable in the interests of the United States in connection with the execution of said decree or otherwise.

SEC. 9. That the Secretary of the Interior is hereby directed to withhold his approval of the adjustment of the Northern Pacific land grants under the Act of July 2, 1864, and the joint resolution of May 31, 1870, and other Acts relating thereto; and he is also hereby directed to withhold the issuance of any further patents and muniments of title under said Act and the said resolution, or any legislative enactments supplemental thereto, or connected therewith, until the suit or suits contemplated by this Act shall have been finally determined: *Provided,* That this Act shall not prevent the adjudication of any claims arising under the public land laws where the claimants are not seeking title through the grants to the Northern Pacific Railroad Company, or its successors, or any Acts in modification thereof or supplemental thereto.

Approved June 25, 1929.

Act of March 5, 1931, c. 589, 46 Stat. 2162

An Act Granting to the Butte Anglers' Club, of Butte, Montana, a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Company of lot 2 in said section 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted, subject to vested existing rights, to the Butte Anglers' Club, of Butte, Montana, lot 1 of section 5, township 2 south, range 9 west, and to the Northern Pacific Railway Company lot 2 in said section, upon its filing with the Secretary of the Interior a duly certified copy of a conveyance of the said land to the said Butte Anglers' Club. In each case the patent, in evidence of the grant herein made, shall provide that the land conveyed shall revert to the United States if and when after two years from the date thereof the premises cease to be used for the propagation of game fish and that any and all mineral of any kind or character within the granted lands reserved to the United States.

Approved March 5, 1931.

Act of May 22, 1936, c. 444, 49 Stat. 1369

An Act To supplement the Act of June 25, 1929 (ch. 41, 46 Stat. L. 41), which authorized and directed the Attorney General to institute suit against the Northern Pacific Railway Company and others

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the suit entitled United States of America, plaintiff, against the Northern Pacific Railway Company and others, defendants, numbered E–4389, instituted and pending in the District Court of the United States for the Eastern District of Washington, under the authority and direction of the act of June 25, 1929 (ch. 41, 46 Stat. L. 41), now on reference to a special master for hearing under an order of said court entered in said suit on April 21, 1936, a direct review by the Supreme Court of the United States by appeal may be had by any party to said suit of any order or decree of said district court entered upon a review of the report of the master to be made pursuant to said order of April 21, 1936, and also of the order or decree of said district court entered in said suit on October 3, 1935, as amended by an order of January 29, 1936. Such direct review by the Supreme Court of either or both of the said orders or decrees may be had by appeal taken within sixty days from the date of the order or decree of the district court entered upon a review of the report of the master to be made pursuant to the said order of April 21, 1936. The right of review of any final judgment, authorized by said Act of June 25, 1929, shall continue in force and effect.

Approved May 22, 1936.

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